take immediate action to protect Needles, Calif., and vicinity, from further damage and dangers resulting from the filling in of the Colorado River bed and the rise of the river since the completion of Federal projects upon that river; to the Committee on Irrigation and Reclamation.

4696. Also, resolution of the State of California Division of Fish and Game, urging the War Production Board to study the problem that materials necessary for the manufacture of shotgun shells and sporting ammunition be diverted for that purpose; to the Committee on the Merchant Marine and Fisheries.

4697. By Mr. SCHIFFLER: Petition of Margaret Hall Myers and other citizens of New Martinsville and Wetzel County, W. Va., urging the passage of House bill 2082; to the Committee on the Judiciary.

4698. By Mr. WOLFENDEN of Pennsylvania: Petition of 125 residents of the Eighth Congressional District of Pennsylvania and vicinity, protesting against the enactment of any and all prohibition legislation; to the Committee on the Judiciary.

4699. By Mr. WEISS: Petition protesting against the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

4700. Also, petition protesting against the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

4701. By Mr. EBERHARTER: Petition of Joseph Breman and 2,200 other residents of the Thirty-first Congressional District of Pennsylvania and vicinity, protesting against prohibition; to the Committee on the Judiciary.

4702. Also petition of Rody F. Grieves and 640 other residents of the Thirty-first Congressional District of Pennsylvania and vicinity, protesting against prohibition; to the Committee on the Judiciary.

4703. Also, petition of Ruth Dorow and 1,360 other residents of the Thirty-first Congressional District of Pennsylvania and vicinity, protesting against prohibition; to the Committee on the Judiciary.

4704. By Mr. HART: Petition of the Board of Commissioners of the town of Irvington, N. J., relative to the Balfour Declaration respecting Palestine; to the Committee on Foreign Affairs.

4705. By Mr. MARTIN of Iowa: Petition of sundry citizens of Mount Union and Danville, Iowa, in support of Senate bill 860; to the Committee on the Judiciary.

4706 Also, petition of sundry citizens of Fairfield, Iowa, in support of House bill 2082; to the Committee on the Judiciary.

4707. By the SPEAKER: Petition of the executive vice president, the general executive board of the United Hatters, Cap, and Millinery Workers International Union, New York, N. Y., petitioning consideration of their resolution with reference to urging enactment of legislation enabling those in the armed forces to vote, without qualification or restriction; to the Committee on Election of President, Vice President, and Representatives in Congress.

4708. Also, petition of Ray Thompson, of Walcott, N. Dak., Richland County Republican chairman, and others, petitioning consideration of their resolution with reference to requesting legislation pertaining to an immediate orderly, nondiscriminating market for hogs in the Northwest States; to the Committee on Agriculture.

SENATE

FRIDAY, FEBRUARY 4, 1944

(Legislative day of Monday, January 24, 1944)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, who hath taught us that only in the reach of our love is the richness of our life, may no love of self nor ill will for others blur the goal of our glorious destiny among the nations as the instrument of Thy providence to free the earth of tyranny. With the warning lights of history blazing upon the path before us and playing upon the sky above us, give us the wisdom and the will to eschew all attitudes and passions and policies which lure men and nations to the ruin waiting all systems which defy the righteous laws of the God of things as they are.

Teach us the secret of dwelling in a world full of hate and yet not becoming hateful persons. Giving our best ability to the people's good, may we rise above life's bitterness by an unshakable belief in the shining splendor of humanity. So may we be the obedient servants of the Father of all, who shall not fail nor be discouraged till He hath set judgment in the earth and in the isles which wait for His law. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, February 3, 1944, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Tayor, its enrolling clerk, announced that the House had passed the bill (S. 1285) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore (Mr. CLARK of Idaho). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Caraway	Gurney
Andrews	Chandler	Hatch
Austin	Chavez	Hawkes
Bailey	Clark, Idaho	Hayden
Ball	Clark, Mo.	Hill
Bankhead	Connally	Holman
Barkley	Danaher	Jackson
Bilbo	Davis	Johnson, Colo.
Bone	Downey	Kilgore
Brewster	Eastland	La Follette
Brooks	Ellender	Langer
Buck	Ferguson	Lucas
Burton	George	McCarran
Bushfield	Gerry	McClellan
Butler	Gillette	McFarland
Byrd	Green	McKellar
Capper	Guffey	Maloney
Maybank	Revercomb	Tunnell
Mead	Reynolds	Tydings
Millikin	Robertson	Vandenberg
Moore	Russell	Wagner
Murdock	Shipstead	Wallgren
Murray	Smith	Walsh, Mass.
Nye	Stewart	Walsh, N. J.
O'Daniel	Taft	Wheeler
O'Mahoney	Thomas, Idaho	Wherry
Overton	Thomas, Okla.	White
Pepper	Thomas, Utah	Willis
Radcliffe	Tobey	Wilson
Reed	Truman	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Nevada [Mr. SCRUGHAM] is absent on official business.

The ACTING PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

NOTICE OF HEARING ON NOMINATION OF JOHN P. McMAHON TO BE ASSOCIATE JUDGE, MUNICIPAL COURT, DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, as chairman of the subcommittee of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing will be held on the 10th day of February 1944, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of John P. McMahon, to be associate judge of the municipal court for the District of Columbia. At that time and place all persons interested in the nomination may make representations.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES—AMENDMENTS OF THE HOUSE TO SENATE BILL 1285

Mr. BARKLEY. Mr. President, the House has just returned to the Senate Senate bill 1285, to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, with certain amendments. In order that the Senate may know what amendments have been adopted in the House, I ask unanimous consent that the amendments be printed by number, and that the bill lie on the table for the present.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESIGNATION OF SENATOR LODGE

The ACTING PRESIDENT pro tempore. The Chair announces that he has received a communication which the clerk will read for the information of the Senate.

The legislative clerk read as follows:

UNITED STATES SENATE,
Washington D. C., February 3, 1944.

Hon. D. WORTH CLARK,
Acting President pro tempore,
United States Senate,
Washington, D. C.

MR. PRESIDENT: The fact that the United States is entering the period of large scale ground fighting has, after grave thought, brought me to the definite conclusion that, given my age and military training, I must henceforth serve my country as a combat soldier in the Army overseas. In order to serve in combat I hereby resign from the United States Senate.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I thank the Senate for the friendship shown me and the people of Massachusetts for the confidence they have expressed in me. In whatever capacity I may find myself I shall always try to be deserving of their trust.

HENRY CABOT LODGE, Jr.

The ACTING PRESIDENT pro tempore. The communication will lie on the table.

Mr. WALSH of Massachusetts. Mr. President, the announcement of the resignation of my colleague as a Member of the United States Senate comes to me—and, I feel certain, to the other Members of the Senate—with mingled sentiments of regret and admiration for the high patriotic motives that prompted his decision. For some time past Senator LODGE has been torn between two conflicting calls, namely, his obligation to remain in the Senate as a representative of the people of Massachusetts, to which office he was elected in 1936 and reelected in 1942 for 6 years, or enter the Army as a combat soldier.

His age and military training impelled him finally to yield toward service in the Army. It has not been a sudden decision on his part. For months—indeed, since the very beginning of the war—he has alone fought out this problem within his soul. Of his final decision, which in the very nature of things is necessarily personal, and one which he alone could make, we are now informed.

Senator LODGE's service in the Senate has been conspicuous. He has impressed his colleagues with his unfaltering devotion to his senatorial duties, and has made a lasting impression upon the Senate for the readiness with which he has grasped, as a young Senator, the problems of our day and time, and for his ability concisely and directly to present in committee and in the Senate his views on all major public questions. We will remember him as patient and tolerant of his fellow Members, and one who, under all circumstances, was a gentleman of the highest type. In personality, in his concept of public service, and in his conscientious devotion to duty, he typified the highest traditions of New England.

No Member of this body has been more fortunate than I in having as a colleague from his State one whose cooperation and good will, despite political difference, has been of the highest order.

I am at liberty to say that Senator LODGE entered the Army on one condition—that he participate in combat service overseas. I know that I express the sentiments of my colleagues in wishing Senator LODGE Godspeed, and in assuring him that his colleagues and fellow citizens look forward to his service in the Army with special pride and with a full realization that he will reflect honor and glory on the battlefield, as he has in the Senate.

Mr. WHITE. Mr. President, the letter from Senator LODGE which has just been read at the desk, brings to me great regret and something of consternation. Senator LODGE came to this body with an inherited tradition of public service. In the few short years he has spent amongst us he has maintained that high character of service. By his industry, by his intelligence, by his strict attention to the duties and the demands of his office and of the Senate he has earned and commands the respect of every Member of this body.

I greatly regret his decision to resign, for I think it means a distinct loss to the Senate of the United States, a loss to his State, and a loss to the public life of his country. He has my cordial good wishes. I am sure he has equally the good wishes of all Members of the Senate on both sides of the Chamber.

Mr. BREWSTER. Mr. President, as one fortunate enough to be intimately associated with Senator LODGE during the past summer in the course of our 45,000-mile trip around the world, I came to know something both of his zeal in the public service and also of his intimate knowledge of military affairs, because of his years of service with our armed forces. He was of invaluable aid to the committee, and he added a global viewpoint to the knowledge which he had already acquired as a result of years of military service as a reserve officer.

I know I express the regrets of many in his departure from this Chamber, and at the same time I join in the sentiments of admiration of his patriotic action expressed by his senior colleague here today. One who so recently was reelected to the Senate, in 1942, for a 6-year term, goes out to add luster to a name already distinguished in the annals of this Chamber and this country.

Mr. VANDENBERG. Mr. President, this contemplation moves me very deeply because I think it is the disclosure of a great and patriotic soul at its best. I think it is a challenge to America. It seems to me this resignation is simply the final and conclusive demonstration of a superb character and an incorrigible courage.

Senator LODGE has left the threshold of a career in statesmanship which had the greatest promise. He has preferred to don the uniform of his country and to take his place in the combat line.

I think this is a great day, Mr. President, in the life of the Senate. I hope it is a day in the life of Senator LODGE which will bring him the career he seeks in following his country's flag. I wish him well. I hope one day he may return again to his desk here.

FREDERICK VAN NUYS

Mr. WILLIS. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a telegram from H. H. Kleinschmidt, president of the Gary Chamber of Commerce, expressing condolences upon the death of our late colleague, Frederick Van Nuys.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

GARY, IND., *January 26, 1944.*

Hon. RAYMOND E. WILLIS,
Senate Office Building:

Gary Chamber of Commerce join with the citizens of Indiana in recognition of our loss in the death of Senator Van Nuys. Will you kindly convey our respect to your proper associates?

H. H. KLEINSCHMIDT,
President, Gary Chamber of Commerce.

WAR CASUALTY MESSAGES

Mr. WILLIS. Mr. President, at Fort Wayne, Ind., the Office of Civilian Defense has been doing a splendid piece of work in softening the blow of casualties in the war which come to families in every community. Gen. Warden Harry G. Hogan has outlined the plan, which, on behalf of myself and my colleague from Indiana [Mr. JACKSON], I submit for inclusion in the RECORD so that it may be available to all Members of the Congress.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WAR CASUALTY MESSAGES—STATEMENT BY GEN. WARDEN H. G. HOGAN TO THE BOARD OF GOVERNING WARDENS ON DELIVERY OF WAR CASUALTY MESSAGES AT THE REGULAR MEETING OF THE BOARD, JANUARY 24, 1944

The sending of a war casualty message is simply a forwarding of the news of what has happened by the Government to the local Western Union office, to be delivered by the latter to the next of kin. From the latter point the Government has surrendered all interest in the breaking of the news to the next of kin. The sending is simple. The delivery difficult—and that is left in the final pay-off to the messenger boy, who seeks out the next of kin either in his home or his place of employment, as is done in the delivery of an ordinary commercial or happy-birthday message, except it is presumed that it is never 'phoned by the local wire office.

WAR AND PEACE MESSAGES

The only point of difference incident to a death message during peace or war is the care exercised to prevent shock, both in the sending and delivery. Under war regulations the sending of a soldier-death message is taken away from the friends of the deceased who know who to contact by 'phone or wire, and the task is assumed by the Government, which does not know the designated next of kin or what health changes have occurred since so designated. Since it is impossible for the Government to know intimate family relations and circumstances, it cannot use any flexible considered judgment in sending the message. No matter how gracefully couched in spiritual or condoling phrases, the only words that register in the mind of an unprepared recipient are, "your son is dead" or "your son is missing." If the Government bureau in charge of sending casualty messages had one to deliver to an employee in the same building, it is fair to assume that their regard for the usual amenities and conventions would prompt the personal delivery of that message by one of the friends of the recipient, instead of having a messenger boy deliver the cold written message to the parent.

DELIVERY REVISION ONLY

It is not proposed that the sending of war messages by wire be revised, but rather that the method of delivery be given the same personal thought that surrounds the delivery of peacetime casualties. Death in times of war is no less a grim incident than in times of peace. Rather, in the latter, the shock in most instances is anticipated and lessened by advance information from the bedside. Only in case of violent death does surprise shock occur. Even then the efforts of friends prepare the breaking of the news. In wartime nearly every message covers the violent death of a healthy boy. Apprehension, of course, exists for all parents who have boys in the danger zone, but only a small percentage are killed or reported missing, which still leaves the element of shock when such news comes. Since the number of messages to be delivered in a given locality may not be more than three or four a week, unless

casualties increase, the servicing of delivery in the conventional way, or one adjusted to war circumstances is very simple and will not be considered burdensome to those who volunteer the service.

CONTROL ENDS

Every wire war message to Fort Wayne that comes in daily routine from Washington is delivered to the storeroom on 115 West Washington Street that houses the equipment and personnel of the Western Union. The messages are delivered under Government regulations between the hours of 7 a. m. and 10 p. m. However, beyond that point, the Government passes out of the picture and out of control, except to receive the usual receipt, as in the case of commercial messages, that delivery has been made to the addressee. The type of care and thought that Uncle Sam surrounds the giving of the Army and Navy E and honorary soldiers' awards in various ceremonies is entirely missing in the final delivery of a war casualty message. Stripped of every vestige of considered ritual or convention, the death message is delivered, unannounced in a sealed envelope, often by a young boy not even qualified in years or experience to be a soldier. Delivery is often made when the recipient is alone, unsustained by family, friends, or medical care. In instances women war workers have received the messages while operating their machines producing war materials, and men have received them in the railroad yards.

LOCAL PERMISSION

To improve the delivery of casualty messages in Fort Wayne should require no general order, merely permission should be given to the Fort Wayne Western Union office to permit a local civilian defense chaplain, certified by the Navy, Army, and other war services to accompany the Western Union messenger. This, with the understanding that if the chaplain is not at the Western Union office when the messenger is ready to start on his trip, the delivery is to be made by the messenger in the way now followed. Nine out of ten times a messenger is not available when the wire comes to the local office, which permits under the plan that was satisfactorily in operation in Fort Wayne for many months before being discontinued the Western Union to notify an assigned police sergeant, who in turn has a squad car pick up a chaplain, who in most cases reaches the Western Union office before a messenger is available. In the 1 out of 10 times where the messenger is available on receipt of the wire (if immediate delivery is required, which experience has proved not to be the case) the squad car can pick up the messenger and take on the chaplain en route to the addressee, as one or more chaplains reside in each of the different districts of the city.

SOLDIER PARENTS' PREFERENCE

The net result is that the message in any event is delivered on schedule, with the permitted flexibility of surrounding the delivery with considered regard for the humane conventions. The Government, civilian defense, and the chaplains have varying interests in the delivery of war messages. However, the persons interested the most are the recipients of the sad messages. Each of those who have had local delivery of casualty messages under the chaplain plan, approve that plan without reservation, and prefer that it be used in like cases, instead of the commercial messenger type of delivery.

REVISION IMPROVES SERVICE

Finally, the minor suggested adjustment in the method of delivery, to apply in this instance only to Fort Wayne, does not impair, but improves the existing service. The proposed method should be permitted where a volunteer chaplain is ready to perform in the manner herein indicated, all with the definite understanding that no message will be delayed. This places the entire responsibility for humane servicing of delivery on the civilian defense chaplain service, and not on the Government, or its local agent, the Western Union.

CHAPLAIN DELIVERY WAR MESSAGE APPROVED

The resolution of the municipal defense council (created by an ordinance of the Common Council of Fort Wayne on October 28, 1941) adopted at its regular session January 21, 1944, urging the reestablishment of the chaplain service in delivery war-casualty messages, was approved by the board of governing wardens, representing 12 districts, 61 sections, 289 zones, 1,651 blocks, and 5,000 block wardens in the city of Fort Wayne, at the regular session of said board on January 24, 1944. The board further urged that the Government regulations concerning delivery of casualty messages by Western Union be revised at least for Fort Wayne, so that one of the members of its board of qualified chaplains would be permitted to accompany the Western Union messenger in the delivery of messages to the next of kin.

SERVICE OF SENATOR McCARRAN AS CHAIRMAN OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. REYNOLDS. Mr. President, I wish to take the time of the Senate for a moment to speak of one of our colleagues. I have always believed in handing bouquets to those deserving of them while they are alive and can enjoy the fragrance thereof instead of waiting until after they have left us and cannot enjoy the admiration which we have for them.

At this time I speak in reference to my colleague, Hon. PAT MCCARRAN, of Nevada, the senior Senator from that western commonwealth.

It has been my privilege and honor to have worked with him for many years in this body. It is my privilege and pleasure now to be seated by him daily. I do not believe I have ever met a more congenial, affable, and agreeable gentleman. I do not know of any Member of this body who is more diligent in his work than the Senator from Nevada. I make mention of our distinguished colleague at this time for the reason that he has been highly honored by the press of this country. I dare say that never in the history of this body have the newspapers of the District of Columbia, as well as the residents thereof, praised anyone more highly than the senior Senator from Nevada has been praised.

The Senator from Nevada succeeded me as chairman of the Committee on the District of Columbia, and he has acquitted himself with such high satisfaction to the people of the District of Columbia that when they learned that there was a probability of his being appointed to the chairmanship of the Judiciary Committee of this body many of them protested and asked that he remain in his position as chairman of the District Committee. I can well understand that because the Senator from Nevada has worked diligently and has employed himself almost hourly in the interest of and for the benefit of more than a million people of the District of Columbia. It is no reflection upon any Member of this body who may aspire to that post that the people of the District wish to retain the Senator from Nevada because he has done such a very excellent job. I join with the people of the District in praising him for the fine work he has done for the people of the Washington area. So far as I know, this is the first instance in which the people have appealed to the Senate to forego tradition, which would prohibit any Senator from serving as chairman of more than one committee.

I ask that there be printed in the RECORD at the conclusion of my remarks several clippings—one from the Washington Post of February 1, 1944, entitled "Appeal to Senate Democrats," one from the Washington Star of February 2, 1944, entitled "D. C. Suffrage Backers Praise Plan To Keep McCARRAN in Post," and another from the Washington Times-Herald of February 2, 1944, entitled "D. C. Citizens Act To Keep McCARRAN." They are certainly very high tributes to a very fine man.

It is particularly gratifying to know that three of the four daily newspapers of the city of Washington are anxious to keep him in his post.

In conclusion, Mr. President, let me say that although the Senator from Nevada is not a member of the Military Affairs Committee, he has evidenced as much interest in the affairs of the committee as any Member of this body outside the membership of the committee.

I may add that at the present time he has before the committee, awaiting hearing, one of the most important bills in reference to our armed forces that we have ever been called upon to consider. The bill provides for making the air force a separate branch of our armed forces.

There being no objection, the newspaper articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post of February 1, 1944]

APPEAL TO SENATE DEMOCRATS—TWO DISTRICT DELEGATIONS URGE MCCARRAN BE KEPT AS "MAYOR"

Two delegations appealed to Senate Democrats yesterday to forego tradition and retain Senator MCCARRAN (Democrat), of Nevada, at the head of the District Committee when he becomes chairman of the Judiciary Committee.

Senator BILBO (Democrat), of Mississippi, has announced he is a candidate for the District Committee chairmanship, and is expected to get it unless one of the four members of the committee ahead of him in seniority changes his mind, or Senate custom is abandoned so MCCARRAN can serve at the head of two committees. Neither move is regarded as likely.

Harry Wender, president of the Federation of Citizens' Associations, headed one of the delegations. The other was composed of five Negro women.

The delegation led by Wender first sought a conference with Majority Leader BARKLEY, and, failing, conferred with Senator O'MAHONEY (Democrat), of Wyoming, who has been mentioned as the probable sucessor to Senator GUFFEY (Democrat), of Pennsylvania, as chairman of the Senate Democratic Campaign Fund Committee.

"The purpose of our visit," Wender told newspapermen, "was to find out if there was any way Senator MCCARRAN might continue for the remainder of the present Congress to serve as chairman of the District Committee when he takes over chairmanship of the Judiciary Committee. We would like to see him remain because of the progress he has made on the suffrage program for the District."

Senate Democrats, at a caucus this week, will decide the committee chairmanships.

[From the Washington Star of February 2, 1944]

DISTRICT OF COLUMBIA SUFFRAGE BACKERS PRESS PLAN TO KEEP MCCARRAN IN POST

A delegation of five District suffrage proponents called at the Capitol late yesterday to promote a plan to permit Senator McCarran, Democrat, of Nevada, to keep the chairmanship of the Senate District Committee for the remainder of the year although he is to be named head of the Senate Judiciary Committee.

The group sought unsuccessfully to interview Majority Leader BARKLEY, then talked with Chairman O'MAHONEY, of the Senate District Appropriations Subcommittee.

The delegation praised the Nevada Senator for his efforts to give Washington an elected local government, declaring real progress is in prospect under his leadership. It also was pointed out that he has been named chairman of a judiciary subcommittee to consider the new Sumners-Capper representation resolution and that his continued service as head of the District Committee would be advantageous.

Members of the group were Harry S. Wender, president of the Federation of Citizens' Associations; Mrs. Eugene Duffield and Mrs. Walter Laves, of the "Voteless" District League of Women Voters; Mrs. Louis Ottenberg, of the District Legislative Council; and Merlo J. Pusey, Post editorial writer. They emphasized they were acting as individuals and not as spokesmen for their organizations.

Senator MCCARRAN has made no move to keep the District Committee chairmanship, accepting the Senate custom that a Senator may not hold more than one chairmanship.

Senator BILBO, Democrat, of Mississippi, is expected to be named District Committee chairman. He is outranked by Senators GLASS, of Virginia, TYDINGS, of Maryland, BANKHEAD, of Alabama, and REYNOLDS, of North Carolina, Democrats, but all these have major committee chairmanships. Senator BILBO now is chairman of the Senate Pensions Committee, but has said he is willing to give up that post to head the District Committee.

Senator MCCARRAN has said he will continue as a member of the District Committee and will carry on with his service as chairman of subcommittees on the "home rule" measure, studies of the District Water Department, and the "baby broker" bill to license child placement agencies.

[From the Washington Times-Herald of February 2, 1944]

DISTRICT OF COLUMBIA CITIZENS ACT TO KEEP MCCARRAN

A group of District residents prominent in the city's civic organizations visited Capitol Hill yesterday "seeking advice," they said on how they could find a feasible way to keep Senator PAT MCCARRAN, Democrat, of Nevada, as chairman of the Senate District Committee.

The group included Harry S. Wender, president of the Federation of Citizens Associations; Mrs. Louis Ottenberg, of the District of Columbia Legislative Council; Mrs. Eugene Duffield and Mrs. Ruth Laves, of the District League of Women Voters, and Merlo J. Pusey.

"OFF THE RECORD"

MCCARRAN is slated to become chairman of the Senate Judiciary Committee as a result of the death of Senator Frederick Van Nuys. The group questioned Senate officials and Senator JOSEPH C. O'MAHONEY, Democrat, of Wyoming, as to the possibility that MCCARRAN might become chairman of both committees.

Senator O'MAHONEY declined to reveal the details of the conversation with the group, stating it was "off the record."

It was learned, however, that the group was told that it was an unwritten law of the Senate that no Member should hold the chairmanship of two committees.

Earlier in the day, it was reported, another group of five ladies approached MCCARRAN with a similar proposition. The Nevada Senator would not comment although he had previously announced that he would resign the District Committee chairmanship to accept the Judiciary Committee post which he prefers.

APPEAR AS INDIVIDUALS

At the conclusion of the visit from the five, Wender said they were appearing as individuals because organizations to which they belonged had not acted upon the matter.

"I am interested in suffrage," Wender said, "Senator MCCARRAN, more than any other Member, has fought to give the District a vote. As chairman of the District Committee where home rule is pending and as chairman of the Judiciary Committee where the national representation resolution is being considered, I believe he would have a better chance to push votes for Washington."

PROHIBITION OF LIQUOR SALES AROUND MILITARY CAMPS—PETITION

Mr. TUNNELL. Mr. President, I have received a petition from 16 members of the Indian Mission Church at Millsboro, Del., praying for the enactment of Senate bill 860, to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States. I ask unanimous consent that the petition be noted in the RECORD and referred to the appropriate committee.

The ACTING PRESIDENT pro tempore. Without objection, the petition will be received and referred to the Committee on Military Affairs.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES—RESOLUTION BY LOCAL UNION NO. 626, BRISTOL, CONN.

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be inserted in the RECORD, and appropriately referred, a letter which I have received from Mr. Paul J. McCarthy, chairman, legislative committee, United Automobile, Aircraft, Agricultural Implement Workers of America, Local No. 626, Bristol, Conn., and copy of a resolution adopted at the last membership meeting of that organization urging the passage of the modified Lucas soldiers' vote bill.

There being no objection, the letter and resolution were ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED AUTOMOBILE, AIRCRAFT, AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (U. A. W.-C. I. O.), LOCAL NO. 626,
Bristol, Conn., February 1, 1944.

Senator FRANCIS T. MALONEY,
Senate Office Building, Washington, D. C.

DEAR SIR: Enclosed is a copy of a resolution which was passed at our last membership meeting.

We urge that you consider and support this resolution.

Thanking you in advance for your cooperation,

I remain,

Very truly yours,

PAUL J. MCCARTHY,
Chairman, Legislative Committee.

Whereas the armed forces of our Nation are sacrificing and giving their very lives for the furtherance of democracy to the far-flung parts of the world; and

Whereas our armed forces recently witnessed our Australian Allies on their many far-flung battle fronts in a recent democratically held election of their Nation; and

Whereas the United States Senate, this very day, is attempting to filibuster the very question that would guarantee to all members of our armed forces and merchant marines, who are citizens of the United States, and who are now engaged in this great conflict of nations for the very life of democracy, wherever they are, the opportunity to cast their ballots in the coming elections; and

Whereas it is the duty of Congress to remove this unjustifiable discrimination against men and women in our armed forces; be it

Resolved, That Local 626, United Automobile Workers of America, C. I. O., overwhelmingly endorses the modified Lucas bill and urges you to support this bill which is uniform and simple and provides for Federal administration, thereby guaranteeing that all soldiers and members of the merchant marine who are citizens will vote in the coming elections; be it further

Resolved, To urge upon Senators DANAHER and MALONEY to do everything in their power to stop this attempt of filibuster and speed up the passage of the modified Lucas bill, which is now before the Senate for action; be it finally

Resolved, That a copy of this resolution be sent to Congressmen MILLER, MCWILLIAMS, COMPTON, TALBOT, and Congresswoman LUCE.

REDUCTION OF NUMBER OF COLLEGES ENGAGED IN ARMY AIR FORCES TRAINING PROGRAM

Mr. REYNOLDS. Mr. President, I have before me a letter dated January 31, 1944, from Brig. Gen. William E. Hall, deputy chief of the Air Staff of the United States Army, in reference to the necessity for reducing the number of colleges in the Army Air Forces college training program throughout the country. I ask unanimous consent that the letter be printed in the RECORD at this point as a part of my remarks, for the information of Senators, and appropriately referred.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

HEADQUARTERS, ARMY AIR FORCES,
Washington, January 31, 1944.

Hon. ROBERT R. REYNOLDS,
Chairman, Military Affairs Committee, United States Senate.

DEAR SENATOR REYNOLDS: It has become necessary to reduce the number of colleges in the Army Air Forces college-training program and the number of civilian contract schools in the pilot-training program in order to conform to the present requirements of the Army Air Forces.

In General Arnold's report to the Secretary of War, dated January 4, 1944, he clearly indicated that the future trend of training in the Army Air Forces would eventually require this reduction. He stated in part as follows:

"As the war continues, emphasis will naturally shift from training of vast numbers of new men to the training of replacements and to increasing the technical knowledge of the men already in service."

The method of bringing about a reduction of such magnitude as is now required is rendered most difficult by the fact that we have such a large percentage of institutions with excellent performance records.

The Army Air Forces wishes it to be clearly understood that the elimination of any particular college or civilian contract school does not in any way reflect dissatisfaction with the performance of this school. The splendid work of the civilian schools concerned is sincerely appreciated, and nothing but the highest commendation can be expressed for the splendid patriotic work that they have contributed during a most critical period of our training.

The Army Air Forces college-training program has, of necessity, been established on a flow chart basis, whereby there are trainees traveling every month from basic training centers to colleges, from colleges to Army Air Forces preflight schools, and from preflight schools to civilian contract schools, where the trainees receive their primary flying instructions. Consequently the overall policy adopted by the training command at the direction of the War Department in determining the particular eliminations to be made has been based on the principle of relieving the national railway system of unnecessary burdens and at the same time effecting a large saving of travel funds and military man-hours lost in transit. Other factors affecting suitability for the specific needs of the training command were also considered.

The colleges at which the college training program is being discontinued are: Albright College, Pennsylvania; Buffalo, New York; Clarion, Pennsylvania; Cumberland, Tennessee; Duquesne, Pennsylvania; Geneva, Pennsylvania; King College, Tennessee, Lynchburg, Virginia; Niagara, New York; Penn State College, Pennsylvania; St. Anselm's, New Hampshire; Springfield, Massachusetts; State Teachers College, New York; Syracuse, New York; Williamsport Dickinson, Pennsylvania; Bucknell, Pennsylvania; Canisius, New York; Colby, Maine; Dickinson, Pennsylvania; Elon, North Carolina; Lafayette, Pennsylvania; Norwich, Vermont; Rochester Business Institute, New York; St. Vincent, Pennsylvania; State Teachers College, Pennsylvania; Susquehanna University, Pennsylvania; Oklahoma City University, Oklahoma; Penn College, Ohio; University of Tampa, Florida; Slippery Rock State Teachers College, Pennsylvania; Hiram College, Ohio; Transylvania, Kentucky; Marietta College, Ohio; Black Hills Teachers College, South Dakota; Fort Hays Kansas State College, Kansas; Hastings College, Nebraska; University of Nevada, Nevada; Iowa Wesleyan College, Iowa; State Teachers College, Wisconsin; Carroll College, Wisconsin; State Teachers College, Minnesota; State Teachers College, Wisconsin; Jamestown College, North Dakota; St. John's University, Minnesota; Beloit College, Wisconsin; Albion College, Michigan; University of Akron, Ohio; Jefferson College, Missouri; Western Reserve, Ohio; Grove City College, Pennsylvania; Allegheny, Pennsylvania; Utah State Agricultural College, Utah; University of Nebraska, Nebraska; Kansas State College of A. & A. S., Kansas; Oshkosh State Teachers College, Wisconsin; University of North Dakota, North Dakota; Macalester College, Minnesota; St. Cloud Teachers College, Minnesota; Superior Teachers College, Wisconsin; State Teachers College, Wisconsin; University of Minnesota, Minnesota; West Virginia University, West Virginia; Gettysburg, Pennsylvania; Massachusetts State, Massachusetts; University of Vermont, Vermont; West Virginia Wesleyan, West Virginia; Ouachita College, Arkansas; Henderson College, Arkansas; Municipal University of Wichita, Kansas; Michigan College of M. & T., Michigan.

The civilian contract schools whose contracts are being terminated are: Cape Girardeau, Missouri: Lafayette, Louisiana; McBride, Missouri; Camden, Arkansas; Jackson, Mississippi; Union City, Tennessee; Lamesa, Texas; Fort Stockton, Texas; East St. Louis, Missouri; Muskogee, Oklahoma; Hicks Field, Texas; Oklahoma City, Oklahoma; Wickenburg, Arizona; Twentynine Palms, California.

The Army Air Forces trust that this information will be helpful to you in the event of inquiry from any of your colleagues as to the reduction of its training program.

Sincerely yours,

WILLIAM E. HALL,
Brigadier General, U. S. Army,
Deputy Chief of the Air Staff.

REPORT OF COMMITTEE ON NAVAL AFFAIRS

Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, to which was referred the bill (S. 1640) to authorize the Secretary of the Navy to accept gifts and bequests for the United States Naval Academy, and for other purposes, reported it without amendment and submitted a report (No. 682) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Several officers for temporary promotion in the Public Health Service.

By Mr. CHANDLER, from the Committee on Military Affairs:

Brig. Gen. Patrick J. Hurley (colonel, Infantry Reserve), for temporary appointment as major general in the Army of the United States, under the provisions of law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

S. 1692. A bill to provide for the reincorporation of The National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic; to the Committee on the Judiciary.

(Mr. REYNOLDS introduced Senate bill 1693, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. WALSH of Massachusetts:

S. 1694. A bill to reestablish the grade of Admiral of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. McCARRAN:

S. 1695. A bill to increase the rates of compensation of certain postal employees, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. BYRD:

S. 1696. A bill to facilitate the liquidation of Home Owners' Loan Corporation through the transfer and cash sale of its assets to individuals and to local banks, mutual savings banks, savings and loan associations, cooperative banks, trust companies, insurance companies, and other mortgage institutions; to the Committee on Banking and Currency.

GENERAL OF THE ARMIES OF THE UNITED STATES

Mr. REYNOLDS. Mr. President, I introduce a bill providing for further appointment to the office of General of the Armies of the United States, and for other purposes, and ask that it be read by the clerk for the information of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be read.

The bill (S. 1693) to provide for further appointment to the office of General of the Armies of the United States, and for other purposes, was read twice, the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That the provisions of the act of September 3, 1919 (41 Stat. 283; 10 U. S. C. 671a), are hereby amended so as to authorize the further appointment to the grad of general of the armies of the United States of general officers of the Army who, notwithstanding any other provisions of the above act, are at the time of such appointment general officers of the line of the Army. The number of officers holding the grade of general of the armies of the United States on active duty shall not exceed two in number. The officers so appointed shall be entitled to all rights, privileges, and benefits now or hereafter provided for the general of the armies of the United States.

SEC. 2. The provisions of section 4 of the act of June 3, 1916 (39 Stat. 167), as amended by section 4 of the act of June 4, 1920 (41 Stat. 760), relating to the termination of the office of General of the Armies of the United States upon the occurrence of a vacancy in that office, are hereby repealed.

Mr. REYNOLDS. Mr. President, the proposed legislation would authorize the President, by and with the advice and consent of the Senate, to appoint to that historical and unique grade general officers of the line of the Army.

Since the formation of the United States there have been but four generals of the armies of the United States: Gens. Ulysses S. Grant, William T. Sherman, P. H. Sheridan, and John J. Pershing. The grade of general of the armies of the United States was created by the act of March 3, 1799, and appointments thereto have been confined to general officers of the Army who had demonstrated outstanding military efficiency. The office ceased to exist at the time of the death of General Sheridan on August 5, 1888. It was not revived until September 3, 1919, at which time Gen. John J. Pershing was appointed. General Pershing was placed on the retired list on September 12, 1924, and was retired in the rank of general of the armies of the United States. Should the proposed legislation be enacted into law, General Pershing would remain in his position as the highest ranking officer of the Army.

The present world conflict has created unusual conditions in the employment of the armed forces throughout all sections of the globe. It is believed by certain Members of the Congress that more effective coordination of those forces can be insured through the appointment of officers of outstanding ability to the highest rank known in the history of our Army, especially in view of the high rank of the British Chiefs of Staff.

Mr. President, I am highly honored and pleased to have the opportunity of introducing a bill which would bring about the promotion of Gen. George Marshall. I do not believe that any of the armies in all the world have a finer director of personnel, or a man of greater military skill and ability than General Marshall.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. KILGORE. Does the Senator from North Carolina know the dates of promotion to the permanent rank of

general of the armies of the United States in the cases of General Pershing, General Grant, General Sherman, and General Sheridan?

Mr. REYNOLDS. I do not know the dates of those appointments.

Mr. KILGORE. I think if the Senator will look at the records he will find that those permanent promotions took place a considerable time after the termination of hostilities.

Mr. REYNOLDS. I shall be glad to consult my history upon that subject. I have not previously had that fact brought to my attention.

INCREASED COMPENSATION TO SUBSTITUTE POSTAL EMPLOYEES—AMENDMENT

Mr. McCARRAN submitted an amendment intended to be proposed by him to the bill (H. R. 2836) to grant increases in compensation to substitute employees in the Postal Service, and for other purposes, which was ordered to lie on the table and to be printed.

CONTINUATION OF COMMODITY CREDIT CORPORATION—AMENDMENT

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (H. R. 3477) to continue the Commodity Credit Corporation as an agency of the United States, to revise the basis of annual appraisal of its assets, and for other purposes, which was ordered to lie on the table and to be printed.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES—AMENDMENTS

Mr. DANAHER proposed an amendment to Senate bill 1612; and Mr. WILLIS (for himself and Mr. JACKSON) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, which was ordered to lie on the table, and the amendments were ordered to be printed.

COMMITTEE SERVICE

Mr. BARKLEY. Mr. President, by direction of the steering committee of the majority, I ask unanimous consent that the Senator from Nevada [Mr. McCARRAN] be relieved from further service as chairman of the Committee on the District of Columbia, and that he be chosen and elected chairman of the Committee on the Judiciary.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JAPAN'S LACK OF A MORAL CODE—ARTICLE BY SENATOR BONE

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a newspaper article entitled "BONE Reviews Japan's Lack of Moral Code," written by Senator BONE and published by the International News Service, which appears in the Appendix.]

RAYMOND CLAPPER—EDITORIAL FROM WASHINGTON POST

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an editorial on the death of Raymond Clapper, printed in the Washington Post of Friday, February 4, 1944, which appears in the Appendix.]

THE NATIONAL SERVICE PLAN—EDITORIAL FROM LABOR

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an editorial entitled "Why Not Tell Fighting Men the Truth?", published in Labor of January 29, 1944, which appears in the Appendix.]

STRIKES IN GREAT BRITAIN—EDITORIAL FROM WASHINGTON POST

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an editorial entitled "Striking Britons," published in the Washington Post of February 1, 1944, which appears in the Appendix.]

THE SOLDIER VOTE—ARTICLE BY RAYMOND CLAPPER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article entitled "The Soldier Vote," written by Raymond Clapper and published in the Chicago Times of December 22, 1943, which appears in the Appendix.]

RAYMOND CLAPPER

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD editorials from the Washington News and the New York Times, and other articles and comments on the recent death of Raymond Clapper, newspaper reporter and columnist.

Raymond Clapper was a native of Kansas, a graduate of the Kansas public schools, and of the University of Kansas. His premature death at 51 years of age, when he was just well started on a career as one of the outstanding newspapermen of the country, is a sad blow to his thousands of personal friends, millions of readers of his daily columns, and a loss to the Nation.

I feel that Ray Clapper died as he would have wished to die—on the job. He was first, last, and always a reporter, although he had served in editorial and executive capacities. But his outstanding characteristic was his insistence on getting news and views, and writing them honestly, fairly, analytically, and courageously. He had his own views, and wrote them into his columns; but he religiously abstained from the temptation to try to make the views of others he interviewed and quoted conform to his own ideas.

Raymond Clapper was the highest type of newspaperman, and the highest type of citizen. Let me say that Kansas is proud of another of her sons who has gone to his reward.

There being no objection, the editorials, articles, and comments were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News]

RAY CLAPPER

From north Africa last July, Raymond Clapper began a dispatch with this sentence:

"What appalls me about war is the unbelievable waste of life and effort and Nature's riches."

To us, who were Ray Clapper's coworkers for so many years, who knew so well his warmth and decency, his unsparing search for truth, his tolerance of others' honest opinions, his intolerance of demagoguery, stupidity, and greed—to us, Ray's death in action brings home, more than anything else that has happened, the awful human waste of war. For he was not a man to be spared in a world so much in need of common-sense, plain-language reporting, so much in need of statesmanlike journalism.

We think that because we were so proud of Ray, so fond of him. But we know Ray wouldn't agree. He would write one of his famous dissenting opinions—keen and fair. For he didn't value his life over that of other and younger Americans. He asked only the reporter's privilege to share their privations and perils—asked only to be with them where, as he wrote in his dispatch published today—

"You live only minute by minute through the routine that carries you smoothly, as if drifting down a river, toward the day of battle."

[From the Washington Post]

RAY CLAPPER

Ray Clapper went out at the top.

That he had to die at this time is heart-searing news. But American planes are plunging to earth every day, in all parts of this flaming world. This one was carrying a soldier of the press, an ace of aces.

Ray Clapper was always a front-line reporter, in peace or in war.

He was in the front line in every battle for truth and justice in the past two decades. He was always the reporter, searching out the facts.

He served his apprenticeship in the enlisted ranks here in Washington. And he advanced by ability, honesty, and integrity alone. First, in his heart, was the dignity and the responsibility of his profession. He never forgot that his job was to tell America the facts so the people would know.

The Washington Post is proud that he started his career as a columnist on this newspaper. But even as a columnist Ray Clapper was always the great reporter. Let others pontificate. Ray depended on his legs, his eyes, his ears, his inquiring mind, in a never-ending, patient search for facts.

This war found him an admired, respected, successful captain in his profession. It would have been so easy for him to have concluded to rest on his laurels.

But not Clapper. He thought only of a reporter's duty. He saw Great Britain in its dark days, he soared over the Himalayas into Chungking; he flew over Rome on the first raid; he stood with the troops in Sicily. And destiny found him in the South Pacific, catching the spirit of the boys in the jungle, writing the finest copy of his career. He died a full general in the eyes of every newspaperman in America—at the top.

It is a cruel blow to family and friends.

But we know, as Ray knew facts, that his spirit cannot die. He stood for everything that was fine in Americanism, in journalism.

Somehow, in thinking of Ray Clapper, the recent story by Ernie Pyle of the death of a beloved American captain in Italy keeps coming to mind. Pyle told how the captain's men shyly paid rough tribute. They cursed reverently. They surreptitiously held his cold hand, straightened his collar, smoothed his coat; and silently dedicated themselves to fiercer opposition to oppression.

We believe that everywhere in our great country today newspapermen are figuratively straightening Ray Clapper's collar, cursing reverently; and dedicating themselves to carry on his fight—that the people may know and democratic America may not die.

[From the Washington Post]

Raymond Clapper, of Washington, one of the world's foremost newspapermen, has been killed on the Pacific front.

His death in a collision of planes during the American offensive in the Marshall Islands has emphasized anew, President Roosevelt said in a letter to Mrs. Clapper, "the constant peril in which correspondents do their work in this war."

"It was characteristic of Ray's fidelity to the great traditions of reporting," Mr. Roosevelt continued, "that the day's work should find him at the scene of action for first-hand facts in the thick of the fight."

That was the note struck in all the eulogies of the 51-year-old Clapper. From his own colleagues in the fourth estate came the accolade: "He was a good reporter."

The thing that was remembered about him was not his style, not his views, but his hunger for facts—his eagerness to use his legs and get his information first-hand, at the source.

He was the fifteenth American reporter to be killed on the world's battlefronts since the war began. Seventy have been wounded.

NEWS SPREADS RAPIDLY

The news of Clapper's death came from the Navy Department here, and it spread around Washington like wildfire. It was announced from the floor in both the Senate and the House, and the leaders, Democratic and Republican, joined in mourning Clapper's loss and paying tribute to his ability and integrity as a reporter.

The Navy's announcement said:

"The Commander in Chief of the Pacific Fleet has reported that a plane in which Mr. Raymond Clapper was a passenger engaged in covering the Marshall invasions, collided with another plane while forming up. Mr. Clapper was in the plane with the squadron commander. Both planes crashed in the lagoon. There were no survivors."

No further details were given, and the Navy Department had nothing to add last night.

Clapper was nominally a political columnist, with Washington as his watchtower. His column was syndicated in something like 180 newspapers, with a combined circulation of 10,000,000. He switched easily from politics to the war when that became the big story.

IN PLANE THAT BOMBED ROME

His fateful trip to the Marshalls was his fourth visit to the war fronts. He flew to England before Pearl Harbor. Shortly after the United States entered the war, he flew to Cairo, Calcutta, and Chungking. Last year he journeyed to Sweden, England, Africa, and Sicily, and he was in one of the planes that bombed Rome.

The reason he was taken on that Rome mission was that he had a sterling reputation as a keen and honest observer and the Army wanted him to see for himself, and to tell the American people, that every precaution had been taken to avoid hitting the shrines of the Eternal City.

Clapper left Washington for the Pacific about a month ago and while he was in San Francisco waiting to take off in a Navy transport, he wrote:

"Very frankly, I would rather go to Europe for the big cross-channel show than be starting out into this somewhat neglected war in the God-forsaken wastes of the Pacific, which is being fought over islands that no American will ever want to see again."

But he felt he ought to go because there was an unawareness at home of the importance of the Pacific conflict.

VISITED MACARTHUR

He visited Gen. Douglas MacArthur's headquarters; he went to New Guinea and New Britain, and finally got his chance to cover the biggest of all American operations in the Pacific—the drive into the Marshalls.

His column which appeared yesterday in the Washington Daily News told of his visit to a United States Army base hospital in New Guinea. He wanted parents, wives, and sweethearts to know that the wounded were well taken care of. He told of one soldier who came to the hospital out of the jungle and cried: "Gosh, white sheets—and women." He reported that the last thing he saw on leaving a mess hall was a large poster, "Buy War Bonds."

Raymond Clapper was born on a farm in Linn County, Kans., May 30, 1892. He married Olive Ewing in 1913 and attended the University of Kansas from 1913 to 1916, working his way through school at any job he could find.

He is survived by Mrs. Clapper; a daughter, Janet, 20, who has been studying for the stage; William Raymond (Peter), 17, who attends Hill School, and by his mother, Mrs. Julia Clapper, who came here from Kansas City to live in the $50,000 Clapper home at 3125 Chain Bridge Road, Spring Valley.

A recent Saturday Evening Post article told about the romance between Ray Clapper and Olive Ewing. They met at a Christian Endeavor meeting, when Ray was 20 and Olive 17. When an ultimatum came from the Ewing family that they were to have no more dates, they promptly got married. They quit high school and went to work, Ray in a print shop and Olive as a teacher of piano.

Ray eventually had misgivings about the printer's trade. He decided the thing to do, if he was to become a writer, was to go to college. Olive agreed with him, and both entered the University of Kansas as special students. Ray enrolled in the journalism department, then headed by Merle Thorpe, until recently editor of the Nation's Business. Thorpe got Ray a job as campus correspondent for the Kansas City Star, and on one occasion the budding journalist yanked the chancelor out of bed at 2 o'clock in the morning to ask his comment on a news story.

Clapper left the university in 1916 to become a full-fledged reporter on the staff of the Kansas City Star. He soon joined the United Press and worked in Chicago, Milwaukee, St. Paul, New York, and, finally, in Washington.

Here he was assigned to cover the White House in the latter part of the Wilson administration. In the years that followed he was to chronicle a vast amount of current history. He covered the Harding "front porch" campaign, the Scopes "monkey trial," the oil scandals, the political conventions from 1920 onward, the three Roosevelt administrations, and the greatest story of his time—the global war.

To Lyle C. Wilson, who succeeded Clapper as manager of the United Press Washington bureau in 1933, fell the job yesterday of writing Clapper's obituary after the grim announcement from the Navy Department. Wilson recalled some things about him—the time, for example, that he sat for 13 hours dictating a running story of the 1932 Democratic National Convention, and could not be persuaded to leave his chair.

"He was essentially a shirtsleeve journalist," Wilson wrote, "although the country boy from Kansas did become a polished, cosmopolitan figure. He lived in one of the most emphatically modern homes in Washington."

Roy A. Roberts, managing editor of the Kansas City Star and president of the American Society of Newspaper Editors, said he never lost the country viewpoint and he thought this was fortunate.

"Ray Clapper," he said, "was a great reporter—more than a columnist or commentator. That was his greatest strength and the finest tribute that could be paid him.

"He combined common sense with a fundamental integrity that spoke out in everything he wrote. He came from the country. He never lost the country viewpoint.

"While he wrote from Washington, always he saw the entire Nation. His death in the far-away Pacific is a tragic loss to American journalism."

In 1933 Clapper left the United Press to join the staff of the Washington Post, which had just been bought by Eugene Meyer. He became chief of the Post's national bureau, and it was while he was on this newspaper that he began writing a column, "Between You and Me."

In 1936 the Scripps-Howard organization lured Clapper back to the fold. Ultimately the United Feature Syndicate began to syndicate his column, and he rose to the top rank of American journalism, with an income well in excess of that of the President of the United States.

Washington newspapermen voted Clapper's column as their first choice. That led Clapper to the radio and his voice, too, became familiar to millions.

Clapper was a former honorary president of Sigma Delta Chi, the national journalistic fraternity. He was a veteran member of the National Press Club and was a former president of the Gridiron Club.

The letter of President Roosevelt to Mrs. Clapper follows:

"The tragic event which has brought sorrow to you and the children emphasizes once more the constant peril in which correspondents do their work in this war.

"It was characteristic of Ray's fidelity to the great traditions of reporting that the day's work should find him at the scene of action for first-hand facts in the thick of the fight.

"I share personally the grief which has been laid so heavily on you and yours, and offer this assurance of heartful sympathy, in which Mrs. Roosevelt joins me.

"Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. DAVIS. Mr. President, yesterday this Nation lost one of the outstanding exponents and one of the most able reporters of America's free press. Raymond Clapper, whose penchant for truth and whose adherence to accuracy made of him a reporter's reporter, went to his death in a tragic airplane crash at the scene of battle in the Marshall Islands.

It was my good fortune to know Raymond Clapper over a period of many years—to know of the deep sense of responsibility with which he approached his work, to know of his profound love for action and for truth. But above all, Mr. President, I knew and appreciated Ray Clapper's unflinching faith that the future of mankind would always be more elevating, more inspiring than its past. It was this unfailing hope that contributed so much to Ray Clapper's outstanding service in behalf of his fellow men.

I am sure that Ray Clapper has found a more enduring truth, a more unquestioned accuracy, a more fundamental good in that distant land into which he has now traveled. But I am also sure that the example he has set for his colleagues and for the world will long be remembered by those of us who, remaining behind, have yet to make the journey Ray has made.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an editorial entitled "Ray Clapper," which appeared in this morning's issue of the Washington News.

There being no objection, the editorial was ordered to be printed in the RECORD.

(See editorial printed on request of Mr. CAPPER, p. 1239 of today's RECORD.)

DISTRIBUTION OF THE CONGRESSIONAL RECORD TO MILITARY POSTS

Mr. REYNOLDS. Mr. President, at this time I wish to bring to the attention of the Members of this body, and particularly to the members of the Committee on Printing, a letter which I have received from a sergeant in the Air Corps of the United States Army. The letter has come from Sgt. Roger A. Gullixson, of the Air Corps forces at Grenada, Miss., and is directed to me as the chairman of the Military Affairs Committee of the Senate. It reads as follows:

FIFTH T. C. SQUADRON, G. A. A. F.,
Grenada, Miss., February 2, 1944.

The Honorable ROBERT R. REYNOLDS,
Senate Office Building,
Washington, D. C.

DEAR SENATOR REYNOLDS: Of all the post libraries I have visited, not one received the CONGRESSIONAL RECORD. I urge that a resolution be introduced providing that at least one copy of this most important publication be furnished at Government expense to every one of our military establishments. Such a resolution should certainly be passed unanimously.

Most sincerely yours,
ROGER A. GULLIXSON, 17042102,
Sergeant, Air Corps.

I wish that everyone at the Army posts, as well as at the naval establishments throughout the country, could have the benefit of reading the CONGRESSIONAL RECORD, and particularly do I wish they could have the benefit of this debate, all of it, I believe, being for the benefit of our armed forces.

I ask unanimous consent that the letter be referred to the proper committee.

The ACTING PRESIDENT pro tempore. Without objection, the letter will be received, and referred to the Committee on Printing.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES

The Senate resumed the consideration of the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes.

Mr. GREEN. Mr. President, I ask unanimous consent to have certain clerical errors in the pending bill—S. 1612—corrected. I make that statement beforehand so that Senators may follow the proposed corrections if they wish.

On page 35, in line 10, the words "secretaries" is spelled improperly by the omission of the letter "a."

Mr. President, shall action be taken on all of them together or separately.

The ACTING PRESIDENT pro tempore. Without objection, the Senator may take all of them together.

Mr. GREEN. The next one is, on page 42, near the bottom of the page, with reference to the form of the post card. The language now reads: "Print your name plainly above." After the word "name," the words "and serial number" should be inserted.

The next amendment is, on page 46, in line 4, the first word "and" should be changed so as to read "any."

The last amendment is, on page 49, in the fourth line, where the word "imprisonment" should be changed to read "imprisoned."

The ACTING PRESIDENT pro tempore. Without objection——

Mr. DANAHER. Mr. President, I should like to call to the attention of the Senator from Rhode Island page 40, line 4. Certainly he wishes to correct the word "tile" so as to read "title."

Mr. GREEN. Yes. I thank the Senator. Mr. President, I also offer that correction as an amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are agreed to en bloc.

The question now is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT], on behalf of himself and other Senators.

Mr. LUCAS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Bailey	Guffey	Reed
Ball	Gurney	Revercomb
Bankhead	Hatch	Reynolds
Barkley	Hawkes	Robertson
Bilbo	Hayden	Russell
Bone	Hill	Shipstead
Brewster	Holman	Smith
Brooks	Jackson	Stewart
Buck	Johnson, Colo.	Taft
Burton	Kilgore	Thomas, Idaho
Bushfield	La Follette	Thomas, Okla.
Butler	Langer	Thomas, Utah
Byrd	Lucas	Tobey
Capper	McCarran	Truman
Caraway	McClellan	Tunnell
Chandler	McFarland	Tydings
Chavez	McKellar	Vandenberg
Clark, Idaho	Maloney	Wagner
Clark, Mo.	Maybank	Wallgren
Connally	Mead	Walsh, Mass.
Danaher	Millikin	Walsh, N. J.
Davis	Moore	Wheeler
Downey	Murdock	Wherry
Eastland	Murray	White
Ellender	Nye	Willis
Ferguson	O'Daniel	Wilson
George	O'Mahoney	

The ACTING PRESIDENT pro tempore. Eighty-nine Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Ohio on behalf of himself and other Senators.

Mr. TAFT. Mr. President, the Senate faces a very peculiar parliamentary situation today. The House of Representatives has passed with amendments the bill which the Senate passed in December. That bill, passed by both Houses, is lying on the desk. What the parliamentary situation will be if we pass a Federal ballot bill after the House, by a decisive vote, has turned down a Federal ballot bill—exactly the same kind of a bill—I do not know. It seems fairly obvious to me that to pass this bill in its present shape would result in a complete legislative deadlock. The House of Representatives would certainly say to the Senate, "You passed a bill; we have amended it, and we are now asking you to act. We do not propose to act on a second Senate bill until you have disposed of the first Senate bill."

I think the logical thing to do would be to refer the pending bill back to the committee while we consider the House amendments to Senate bill 1285. I do not make a motion to that effect, but it seems to me that if that is not done we are likely to run into a complete legislative deadlock with the House and have no absentee voters' bill.

I am perfectly certain that the House would vote down the pending bill in its present form, providing for a Federal ballot for all soldiers overseas, if we should pass it and send it to the House. I believe it is conceivable that if the Senate should adopt the amendment which I, in conjunction with a number of other Senators, have offered, and which is now under consideration, the House might be willing to consider the measure. It might be willing to take it up and substitute its own amendment, which it considered and passed last night, and send the whole thing to conference. That is conceivable.

I certainly do not believe it is conceivable that the House will do any such thing if we pass a Federal ballot bill, which it expressly voted down last night.

Mr. BREWSTER and Mr. OVERTON addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio yield; and if so, to whom?

Mr. TAFT. I yield first to the Senator from Maine because he was on his feet first.

Mr. BREWSTER. Has consideration been given to whether there might be an amendment to the Senate bill which has now been returned by the House by the incorporation in it of the amendment which the Senator from Ohio has proposed? As I understand the parliamentary situation, that would be in order.

Mr. TAFT. I am not familiar with the question of amending House amendments. I have seen it done in conference, but I do not know that it could be done without a conference.

Mr. BREWSTER. Mr. President, I desire to make a parliamentary inquiry. I inquire whether an amendment such as the Taft amendment, could be proposed to the bill which has been returned by the House to the Senate this morning.

The ACTING PRESIDENT pro tempore. The parliamentarian advises the Chair that the House amendments, or any one of them, would be subject to amendment in any way the Senate might see proper to make.

Mr. OVERTON. Mr. President——

Mr. CLARK of Missouri. Mr. President, will the Senator from Ohio yield for another parliamentary inquiry?

Mr. TAFT. I yield first to the Senator from Louisiana.

Mr. CLARK of Missouri. I merely wish to make a parliamentary inquiry on the point on which the ruling has been made.

Mr. TAFT. Very well, I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I should like to inquire, Mr. President, whether the ruling just made as to the parliamentary feasibility of offering the Taft amendment or the Taft substitute as an amendment to a House amendment does not also apply to the bill now pending before the Senate. In other words, from a legislative standpoint it is fully as feasible to amend the House amendment by offering the so-called Lucas-Green bill in its present form as it is to offer the Taft amendment.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is correct, the Chair is advised.

Mr. TAFT. I may say by way of explanation to the Senator from Maine that this particular amendment in its present form could not be offered to the House amendment because it would not mean anything. It would be necessary to draft a new amendment containing practically all of title I of the Green-Lucas bill as amended by this amendment, because there is no title I at all in the House amendment.

Mr. OVERTON. Mr. President——

Mr. BREWSTER. May I make a further inquiry?

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio yield; and if so, to whom?

Mr. TAFT. I yield first to the Senator from Maine.

Mr. BREWSTER. May I inquire further as to what would be the parliamentary situation if any amendment were adopted to the bill returned by the House this morning and was sent back to the House? What then would be the parliamentary status of it when it got over to the House?

The ACTING PRESIDENT pro tempore. The bill would go back to the House and the House would then have the alternative either of amending or concurring in the Senate amendment or of asking for a conference.

Mr. TAFT. Mr. President, may I make a parliamentary inquiry? Can the Senate offer as an amendment to the House amendment something which would change the bill that the Senate itself passed?

The ACTING PRESIDENT pro tempore. The Senate would have the parliamentary right although it might be grotesque from a practical standpoint.

The Chair may state further to the Senator from Ohio that the question of germaneness which pertains in the House does not apply in the Senate.

Mr. TAFT. My point was not that; my point was that as the Senate passed a certain bill, if then we adopt an amendment to the House amendment, it is hard for me to understand how we can offer an amendment to the bill the Senate previously passed and sent to the House.

Mr. OVERTON. Mr. President——

Mr. TAFT. I yield to the Senator from Louisiana, who has been on his feet for some time.

Mr. OVERTON. Mr. President, I agree with the able Senator from Ohio in the preliminary observations he has made with respect to the pending legislation, but I am not inclined to agree with him that it may be the proper thing to refer the House amendments to the Senate committee. It seems to me there have been sufficient references of this proposed legislation to the Senate committee and to the House committee. We have also had adequate debate on the subject. Insofar as the bill passed by the Senate—Senate bill 1285—and sent over to the House, is concerned, it has been thoroughly considered and discussed in both the Senate and the House. Another reference would result in greater delay and much more acrimonious debate possibly than we have had so far.

I think that the practical thing to do is to go ahead and undertake to perfect the pending Senate bill with amendments such as the one offered by the Senator from Ohio, and any other meritorious amendments which may be offered, and then, or whenever the House amendments have been printed, move to concur in the amendments of the House to Senate bill 1285, and let that motion be put and be acted on after we have cleared the atmosphere so far as we can in respect to the new legislation we are proposing. If we do not do something like that we shall drift into a deadlock and the Congress of the United States will again be subject to the criticism that it has caused an impasse and will do nothing toward helping the soldiers to cast their ballots.

Mr. TAFT. I thank the Senator from Louisiana.

Mr. BARKLEY. Mr. President, will the Senator from Ohio yield to me?

Mr. TAFT. I am sorry, but the time limitation on the debate is such that I prefer to finish the very few remarks I should like to make before yielding further.

Mr. President, I will explain what the amendment now before the Senate, which I explained in a general way yesterday, would do. The Danaher amendment provides that the soldiers at home will not be given an absentee voters' ballot unless they come from a State which fails to enact a proper absentee voters' law before the 1st of July, as I recall the date. But the Danaher amendment does not in any way modify the Federal ballot provided in the Green-Lucas bill for some 7,000,000 men who will be abroad. The effect of the principal feature of the amendment is to provide that the soldiers who are abroad shall have their State ballots and that they shall not have Federal ballots unless the State from which they come fails to provide an absentee voters' law.

That seems to me to be an absolutely logical conclusion from the action taken yesterday by the Senate in agreeing to the Danaher amendment, as I agreed to it. If that is a good rule for the soldiers at home, it is a good rule for the soldiers abroad. The only possible difference is that it takes a little longer to get the State ballots there.

This amendment provides that these ballots must be ready 45 days in advance. It is only going to be necessary so far as I can see to transport approximately 50 tons of ballots, at the most, by airplane. Certainly many of the airplanes which are going over can help in that transportation. Airplanes are going by a constant stream from this country to the European theater and every other theater of war, and there is no reason I can see why they cannot be pressed into service for this very important task. So the idea that it is any more difficult to transmit ballots abroad than it is to transmit them within the United States I think is wholly and completely erroneous.

The advocates of this bill have now admitted that all the talk about transfers and about the difficulty of reaching the men because they may have been transferred from one unit to another does not amount to anything, because they have accepted that proposal for servicemen in this country. Undoubtedly, a few men who have been transferred just before election will fail to receive their State ballots.

Mr. LUCAS. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. TAFT. I yield for a very brief question.

Mr. LUCAS. Never mind.

Mr. TAFT. I cannot see any reason why we should not give the soldiers abroad exactly the same State ballots we are to give those at home, and that is the purpose of the amendment. That is the ballot they want; that is the ballot the authors of the bill admit they should have, if we can possibly get it to them.

Now it is said, "Yes; we can get it to the servicemen at home; we can locate the 4,000,000 at home, but we cannot locate the 7,000,000 abroad." It seems to me to be a perfectly simple task. The State ballots are printed 45 days in advance. The Post Office has not raised any objection; it does not say it cannot find the soldiers. The ballots would go to the appropriate central point, to New York, for anyone in the European theater. There they would be sorted by units. Ballots going to a particular regiment could be placed together and given every kind of priority to assure their delivery to that particular regiment.

The only possible failure in the process might occur among those men who were transferred at the last moment. If a unit should be transferred, the ballots could follow the unit. That would be easy. There might be a few individual soldiers the ballots would not reach, but the same condition applies to those in the United States, under the amendment which the authors of the bill themselves have already agreed to.

Mr. President, I believe very strongly that the amendment which is now presented is the logical method of reaching the desired result. It provides that every soldier should have a State ballot, that he should be able to vote for the local candidates at home, that he should be able to vote for the candidate for Governor of his State. The Governors of the States are just as important, in their place, as is the President of the United States, and as are Representatives and Senators. The soldier should be able to vote for every State officer

possible, but if by reason of a State constitutional provision, or by reason of the refusal of the State, the soldiers do not get opportunity to vote, we say, "Very well, we will provide a Federal ballot." That seems to me the logical approach. I have not talked with anyone who has not already made up his mind on the subject who does not say that sounds reasonable, that that is the logical way to approach the problem.

It is admitted the soldiers should have State ballots. Very well, we will give them State ballots, unless the States themselves fail to provide the service, and in that case we will provide the Federal ballot. It may not be constitutional, or it may be. Anyway, the scope of it is cut down to a very small field. So far as I know, the States will be able to comply, with one notable exception. I think the outcome in such a State, in the next Presidential election, at least, is fairly certain.

Mr. President, I hope very much that the Congress may adopt the amendment proposed. It seems to me that if that is done, if we make a clear declaration that we believe that any man who is entitled to a State ballot should have a State ballot, I think we will be in substantial accord with the position taken by the House of Representatives, and I think there will be a chance that within a very few days we can come to an agreement upon a law which can be adopted by the Congress, and will enable the State legislatures to proceed to enact the kind of legislation that may be necessary. We are today delaying action of almost a score of legislatures which want to meet, but first want to know what the Federal law is to be before they draft the necessary State law. I hope the amendment may be agreed to.

Mr. GURNEY. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. If I still have time on the amendment, I yield.

Mr. GURNEY. I notice on page 17 of the amendment is the form of a post card, on which the member of the armed forces is to apply for a ballot. I do not see there anything to indicate how he would apply for a primary ballot, because there is no place for him to list whether he is a Republican or a Democrat.

Mr. TAFT. The Senator knows that this is in title II, dealing with States, and does no more than to recommend to the States. The States may enact a provision for some special form of post card for primaries if they wish to do so. As a matter of fact, this was recommended to the States for the reason that it is the post card prescribed by Public Law 712, of which some 12,000,000 have already been printed and are in the hands of the Secretary of War.

A State would not have to do what is recommended. The State can say, "We will take this form," or they may take any form, or merely provide for a letter asking for a ballot, or they may take the application from a relative, or it may come from a father who says, "I want a ballot sent to my son abroad." This does not say they cannot do it, but it recommends they make available proper forms of application, so that when the post cards are distributed and sent in, no question will be raised about their validity.

Mr. GURNEY. They would not be valid in my State, because the prospective voter has to indicate on the request which ballot he desires.

Mr. TAFT. The Senator's State may have to conform to the 45-day provision, it may have to conform to the 1.2 ounces provision, I do not know. If the conditions can be complied with, the soldiers get the State ballot.

Mr. BREWSTER and Mr. AUSTIN addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio yield, and if so, to whom?

Mr. TAFT. The Senator from Maine asked me to yield first, I believe.

Mr. BREWSTER. With respect to the primary ballot question, I think the economy of using the post card is a very practical question with these ballots moving out. It should be clear that the Army is sending instructions everywhere in the world as the various primaries and elections proceed, so that if any serviceman wants a primary ballot he can simply add that on his request, and it will be entirely feasible for whatever soldiers are interested.

Mr. TAFT. I now yield to the Senator from Vermont.

Mr. AUSTIN. Assuming a State has a statute making a primary a closed primary or a semiclosed primary, as Vermont does, so that no voter in the primary may have a ballot which he does not ask for, then, to carry out the suggestion of the Senator from Ohio, would it not be necessary for the State to change its entire primary law in order to accommodate this situation, which can be met by having the application on the post card comply with the requirements of the law, namely, such a line on it as is contained in the Lucas-Green bill, the line marked No. 6 on page 42—

My choice of party primary ballot is_____

The blank to be filled in only in case of a primary ballot. That would obviate the necessity of the State changing its entire primary law, and it would enable the soldier to apply for a primary ballot, which he could not do under the present provision. He could not possibly vote in the primary under the form of post card recommended in the Taft amendment.

Mr. TAFT. That is true, but my impression is that if the State wishes to have the soldiers vote in the primary, they will have to pass special laws. At least they are going to have to take up with the Government the question of distributing some special form of ballot in connection with the primaries in the States. That was done in the case of the State of Louisiana, as was indicated on the floor of the Senate recently.

I cannot while on my feet draft an amendment, but I will see if I cannot insert what is suggested by the Senator from Vermont, so that we may be able to save some meetings of State legislatures.

Mr. ROBERTSON. Mr. President, I rise to support the amendment which is under consideration.

The Green-Lucas bill, as amended, deprives our men and women in uniform overseas of the right to vote a full and complete ballot. They are deprived of the right to vote for Governor, Lieutenant Governor, State officials, members of the State legislatures, county, city, and local officers. It virtually disfranchises them in this respect.

In the bill, the administration now in power in effect tells the men and women of our armed forces, "Go out to the jungles of the South Pacific; go up to the barren regions of Alaska; go out to the torrid deserts of Africa and fight for democracy; suffer all the tortures of hell—and we will tell you the extent to which you will be allowed to vote." In effect, they say, "We do not care if you come from the New England States, from the Pacific Coast, from the Midwest, or from the deep South, you will vote for the office we tell you and no more. We refuse you the right to vote for your Governor, your Lieutenant Governor, the members of your State legislature, and those to be elected to important city and county offices. Let the strikers at home decide who is going to be your Governor and who is going to fill all the rest of these important positions."

We are informed that at least 8,000 airplanes are to be delivered to the armed forces every month of this year. Surely one-half dozen of these could be set aside for one month. Six transport planes out of the 8,000 planes which we are producing monthly could be used to see that these soldiers get a complete 1-ounce ballot from their own home State which will enable them to vote as our Constitution gives them the right to vote, and to vote the same full ballot as that voted by men who strike against production of munitions on the home front.

The Green-Lucas bill now before the Senate does not take away from the man on the production line who now receives from ten to twenty dollars a day, the right to a complete ballot, but it does take that right away from the $50-a-month soldier now being battered and wounded and killed on the Marshall Islands.

The Green-Lucas bill now before the Senate does not take away from John Lewis and his striking miners the right to a complete ballot, but it does take that right away from the gallant Seabees who are doing such heroic work on all fronts.

The Green-Lucas bill now before the Senate does not take away from 3,000,000 New Deal civilian employees now on the Government pay roll, protected and living in comparative ease and comfort, the right to a complete ballot, but it does take away from some 5,000,000 men and women in the armed forces that constitutional right as free American citizens; yes, 5,000,000 men and women who have forgotten what ease and comfort are.

The Green-Lucas bill now before the Senate refuses a complete ballot to those men who are fighting the treacherous Jap, and who, if captured, face death

more horrible than any we can imagine, and yet the bill allows full and complete ballot privileges to those in this country who set up, supervise, and operate the Japanese-American dual citizen war relocation camps, and who, in spite of all the knowledge the administration has had for over a year of the Japanese atrocities, continue to pamper these undesirables.

The Green-Lucas bill does not take away from John Lewis, Philip Murray, and William Green the right to a full and complete ballot, and yet it refuses it to MacArthur, Eisenhower, Nimitz, and Halsey.

It is surely a mockery that the administration which is responsible for the lack of preparedness at Pearl Harbor, for failure to bring negligent officers to court martial, the administration which has permitted the pampering of Japanese-American dual citizens, the administration which is permitting such ridiculous expenditures as, for example, $130,000,000 on the Canol project, should cavil at the inconvenience of transporting a complete ballot to our armed forces.

It is a mockery now to come forward and to say that the difficulties of getting the complete ballot to our soldiers are almost insurmountable.

"Where there is a will there is a way," and if the will is there to enable the men and women of our armed forces to vote the same ballot that their mothers, fathers, brothers, sisters, and wives at home will vote, the way to enable them to do so will be speedily forthcoming.

Mr. President, personally, I want every man and woman in our armed forces to receive the same ballot we receive at home. I want those in the the military and naval service to have the right to vote the same ballot as the men at home who have been striking against production of vital war materials. I want every man and woman in our armed forces to vote the same ballot as the farmers of America who, despite almost insurmountable manpower and equipment difficulties, are producing the food for this Nation and our allies. Any bill which will preclude them from doing this is not a soldiers' voting bill.

This Green-Lucas bill does deny to our men and women in uniform full voting privileges. I am not prepared to offer those brave men and women the crumbs which fall from the labor leaders' table. For my part I offer them a whole loaf.

Mr. KILGORE. Mr. President, will the Senator yield to me?

Mr. ROBERTSON. I yield for a short question.

Mr. KILGORE. Will the Senator point out in the bill the provision which prohibits the use of the State ballot when it is available? I am simply curious, and should like to find that provision in the bill if it is in it.

Mr. ROBERTSON. Mr. President, I did not quite understand the Senator's question.

Mr. KILGORE. Will the Senator point out the provision of the bill which prohibits, for instance, the obtaining of a full ballot by General Eisenhower or Admiral Nimitz or anyone else in our armed forces overseas? I am talking about a prohibition. Is it not possible for them to obtain such a ballot if it can be transmitted to them? If the bill contains such a prohibition, I have misinterpreted its language.

Mr. ROBERTSON. Mr. President, my understanding is that the proponents of the bill have contended that sufficient transportation facilities do not exist to transmit any of the State ballots overseas. I do not think we have to make an exception in favor of the high officers against the $50 a month man.

Mr. KILGORE. From the discussion which has taken place, I have not understood that any such exception was proposed. It seems to me that title II of the bill takes care of that situation where it is possible to do so.

Mr. ROBERTSON. Mr. President, the amendment under consideration would bring to the majority of our armed forces the fundamental rights and privileges of a full and complete ballot to which as citizens they are entitled under the Constitution.

The PRESIDING OFFICER (Mr. TRUMAN in the chair). The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] for himself and other Senators.

Mr. TAFT. Mr. President, on the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LUCAS. Mr. President, we have before us for consideration what is known as the Taft-McKellar-Ball-Bailey-Bankhead-Brewster-Buck - Eastland and diverse and sundry other Senators' amendment. The entire amendment before us is comprised, as I read it, of practically all the amendments which heretofore have been defeated, plus a great number of other amendments which will be offered. In fact, it would seem that the amendments which have heretofore been offered to the Green-Lucas bill by various Senators have for some cause or other been placed in the new Taft-McKellar amendment.

Mr. President, we have had but little time to study exactly what is contained in the pending amendment. Let me say to the Senator from Wyoming that while he talked about labor leaders, our output of planes and all other red herrings and irrelevant matters, he did not, in the amendment to which he has attached his name, touch a single issue—no; not one.

The amendment offered by the Senator from Ohio, the Senator from Tennessee, and other Senators, is predicated on the Ball amendment.

I should like to have the Senate distinctly understand what the Ball amendment really would do. It has never been discussed by any Senator. The Senator from Ohio [Mr. TAFT] did not touch it. I doubt that some who have opposed it really know what is in it. Truly the amendment is far-reaching.

Listen, Senators, while I explain.

The amendment of the Senator from Minnesota [Mr. BALL] would limit the applicability of the Federal voting procedure provided in title I of the Green-Lucas bill to voters from those States which before June 1, 1944, fail to amend their absentee voting laws in three specified particulars.

His amendment is based on the premise that if a State has a satisfactory absentee-voting procedure of its own, there is no reason for providing to its absentee servicemen a Federal procedure in addition.

There are two defects in this premise. In the first place, the inclusion in the law of a State of the three provisions specified in the amendment of the Senator from Minnesota would not necessarily make its absentee-voting law satisfactory—that is, "practically workable in wartime." In the second place, even under a satisfactory State absentee-voting procedure, there is not the same assurance of a reasonable opportunity for the man overseas to vote as under a simple, uniform procedure such as that provided in title I of the Green-Lucas bill. Let us examine separately each of these two points.

The Senator from Minnesota would make the Federal procedure provided in title I inapplicable to a State which before a fixed date provided in its law:

First, waiver of registration for absentee voters;

Second, availability of absentee ballots for mailing at least 45 days in advance of the election;

Third, maximum weight of absentee-balloting material—1.2 ounces.

Desirable as these provisions are to incorporate in a State's law, the inclusion of them alone would not make the State's voting procedure practically workable in wartime. Thus, despite the enactment of these helpful provisions, a State might still make it difficult or impossible for the services to cooperate in carrying out State law by continuing in effect other provisions, such as:

First, that the absentee must pay a poll or other tax as a condition of voting.

Mr. President, on that very point, the amendment offered by the Senator from Louisiana [Mr. OVERTON] last week, and subsequently rejected, is still in the proposal. Any Senator voting for the Ball amendment as it is in its present form will be voting to repeal section 1 and 2 of Public Law 712 which the Senate by the overwhelming vote of 69 to 16, as I recall, in rejecting the amendment on the floor of the Senate, voted to leave in the law.

I read further:

(2) That the absentee must apply for his ballot on a special form—

In other words, the State law may provide that instead of using the post card furnished to all the services alike, a special form shall be used. Even under the law of my own State of Illinois, as amended by the special session of the legislature, it is required that the absentee use a special State form which would not recognize what is contained in the Ball amendment and now is a part of the Taft-Ball-McKellar amendment.

Suppose the State says that the Army and the Navy should furnish the names and military addresses of the servicemen of a State, so that the State may send absentee ballots directly to the soldiers without their application. That is possible under a State law, but the Army and Navy could not comply with that.

Suppose a State should provide that the Army and the Navy should distribute to the servicemen of such State the State ballots other than as person-to-person mail. It could not be done.

Suppose that the absentee must apply for his ballot on a special form furnished by the State, instead of using a uniform post card furnished by the services to all alike—thus, Illinois has continued in her new law a requirement that the absentee use a special State form;

Suppose the State law says that the Army and Navy furnish the names and military addresses of the servicemen of a State, so that the State may send absentee ballots direct to the absentees without their application;

Suppose the State should pass a law requesting that the Army and Navy distribute ballots of a State, other than as person-to-person mail, to servicemen of such State;

And, again, suppose they require the Army and Navy, in order that servicemen of a State may vote, to follow a particular voting procedure peculiar to such State or distribute and post particular instructions of such State.

State provisions of the kind above enumerated were included in section 5 of the joint statement of the Secretary of War and the Secretary of the Navy to the Council of State Governments, December 30, 1943, as provisions which in wartime the Army and Navy could not effectively administer.

The Senator from Ohio can talk about tons and tons of mail that the Army can carry by plane. The Senator from Wyoming has also talked about having the airplanes carry all the millions upon millions of ballots from every section of the United States to the soldiers and sailors overseas. But upon whom are we to depend in the crisis to do the job? Are we to take the word of a Senator upon the floor, based upon no facts whatsoever, or are we to listen to the Army and the Navy who have testified over and over and over again that it simply cannot be done?

The continued inclusion in the law of a State of one or more of the above provisions might effectually deprive a serviceman of his opportunity to vote, even though the State in conformity with the Ball amendment had waived registration, made the ballots available at least 45 days before the election, and had provided ballots light in weight and small in size.

The criteria of the Senator from Minnesota for a workable State law are good as far as they go, but they do not go far enough. If a State's absentee-voting procedure is to be deemed so satisfactory as to be the soldier's only chance to vote, then it must be judged, not only by its inclusion of good provisions but also by its exclusion of bad provisions.

But even if a full and adequate set of specifications were drawn, the meeting of which would qualify a State as having a satisfactory absentee-voting procedure, the basic defect in the Ball amendment would still remain—that is, there is not the same assurance of a reasonable opportunity for the overseas serviceman to vote under a State procedure as there is under a simple, uniform procedure such as that provided under title I of the Green-Lucas bill. The underlying reason for this situation is not related to the services' willingness or ability to cooperate; it stems from the essential nature of military operations.

Let us take any fair-sized unit or ship overseas. There will be found in it on a given day men from almost all the States. But this personnel is not static, as in civilian life. It is subject to continuous, unpredictable change. In the Army alone there are 10,000 changes of duty status daily. This mobility of personnel tends to defeat any procedure which depends for its workability on rapidly finding the addressee of a letter by an address given in a post card dispatched several weeks, perhaps a month, before the letter arrives.

Mr. President, what the Senator from Ohio said is not correct with respect to what we did in adopting the Danaher amendment. By adopting the modified Danaher amendment, we said that in the event a soldier merely makes an affidavit that he has not received a State ballot, regardless of where he may be serving, he may vote the Federal ballot instead of the State ballot. Let me call the Senate's attention to the fact that in overseas theaters of operation, the facilities for handling and forwarding mail are very different from those in our well-regulated domestic post offices. Under the Ball plan, the serviceman from a "conforming State"—if I may call a State which complies with the statutory criteria by that convenient name—can vote only under the State law; that is, by sending in a post card, receiving from the State a ballot, and executing and returning his ballot within the restricted time limited by the statute. If he is moved once after he sends in his post card, his chances of ever getting the ballot in time to return it for the election are greatly minimized. An additional move or moves would certainly prevent his voting. And as overseas operations increase in intensity, the mobility of troops may be expected likewise to increase.

The essence of the title I Federal procedure provided in the Green-Lucas bill is, however, that the uniform, simple ballot is to be distributed to the serviceman on the day he is to vote in his particular theater. He may be moved several times since he has sent in his application for a State ballot under title II, and the ballot may, therefore, never reach him, but he still may vote under title I. He has two chances to get his vote to his home State. The Senator from Minnesota wants to change that. He wants the serviceman to have only one chance—and that chance, the one which is more subject to military hazard.

There is another penalty hidden in the Ball amendment for overseas servicemen, who are limited thereby to voting under State absentee procedure. The fact that their State reduces the excessive weight and bulk of its existing absentee balloting material to manageable size will not insure that the balloting material of such State can be carried by air. Their State is but one of 48. Many other States may continue to use large manila envelopes, heavy paper, and excessive quantities of such paper, and thus unnecessarily to overload the facilities for air carriage overseas and back.

Mr. President, not long ago there was published in one of the newspapers an article stating that New York State alone had instructions to voters which covered 900 pages. Think of it—900 pages to go along with the ballot, from the State of New York alone. How much weight is there in such instructions? I do not doubt that what is true of the State of New York is true of many other States which have large ballots and a number of instructions as to how the voters are to cast the ballot and as to how the election is to be conducted.

The Army and Navy cannot say, "We will take the lightweight material of State A and send the heavy material of State B by freighter." They must treat such air-mailed matter alike, as requests to carry by air—weather, military operations, plane space permitting. If the heavy, bulky ballots from State B fill the available space in a plane, which would have accommodated thrice the number of light ballots of State A, then the servicemen from State A, despite its commendable conformity to the amendment's criteria, may lose their chance to vote.

The Army reports enormous and continuing increase in air-mail carriage overseas.

I desire Senators to listen to this if they are really interested in acting on this problem not on the basis of bare facts pulled out of thin air by Senators upon the floor, but on the basis of facts submitted by the Army and the Navy themselves: They say as more troops go overseas, this increase will intensify. Plane space facilities are now inadequate to carry over the air-mailed material to the three principal oversea theaters.

Mr. President, talk about Christmas packages, talk about tonnage and plane space, but here is what the Army and the Navy say as to the plane space insofar as priority is concerned. The Army reports that on a recent day, out of 63,000 pounds of air mail on hand, plane facilities were available eventually to carry only about 50 percent—the rest went by boat. If the planes were available to carry "home mail" by air, the Army would do it.

It should also be pointed out that the Ball Amendment would divide each unit of the Army and Navy into two groups, a source of endless difficulty and confusion when multiplied by the thousands of little entities scattered throughout the world to whom the complication must be made perfectly clear. Two rosters must be made in each unit: Men from the "conforming States", who may vote only by the absentee procedure of their State; men from the nonconforming States" who may vote both under title I and title II.

Mr. BALL. Mr. President, will the Senator yield?

Mr. LUCAS. I regret I cannot yield. I have not the time.

The War and Navy Departments have already made plain the practical difficulties to voting in wartime by servicemen, especially those overseas.

The reason we agreed to the Danaher amendment was that we realized the difficulties under which the men overseas would vote, and we realized further that under the Danaher amendment there would be a better opportunity for the servicemen abroad to vote under title I, and a good opportunity for those in this country to vote under title II.

The Army and Navy advise that, without too much interference with their primary obligation to carry on the war, it may be possible to administer a procedure which is uniform and as simple as possible; that anything more onerous is a more remote possibility. The Ball amendment is a step away from uniformity and simplicity. Instead of all servicemen having equal rights under title I and title II, some are to have rights only under title II. This may seem to be a small difference; but translate it into terms of 11,000,000 men and women from 48 States, scattered all over the world, engaged in a great war as their principal function, and it is obvious that it increases the burden on the services and tends to make less possible of satisfactory accomplishment the objective of giving 11,000,000 servicemen a reasonable opportunity to vote.

The truth of the matter is that under the pending amendment not 5 percent of the men overseas would ever get the ballot which we have been discussing, which would entitle them to vote for both State and Federal officers, from county coroner up to President of the United States. If we are sincere in wanting the men to vote for Governor and county coroner, the same services must transmit the ballots for mayor of the town, members of the school board, drainage commissioners, county commissioners, and other officers who are just as important from the standpoint of the voter as is the county sheriff or the county coroner.

I invite attention to the form of ballot on page 3 of the Taft amendment. In this debate we have heard about the bobtailed ballot and the shirt-tail ballot. I have heard my good friend the senior Senator from Tennessee [Mr. MCKELLAR], a man for whom I have the greatest affection, become almost emotional over the protection of the Constitution of the United States in connection with the Green-Lucas bill because of the form of the ballot.

If the Green-Lucas bill is unconstitutional, I challenge the Senator from Tennessee or any other Senator who favors the Taft amendment to make a constitutional argument in behalf of that amendment. The same features and the same principles which are involved in the Green-Lucas bill are involved in the Taft amendment. The bobtailed ballot, about which we have heard so much in the Halls of Congress during the past 2 weeks, is still present. The only difference is that it is in a different form.

In the form of ballot in the Taft-McKellar amendment it is proposed that the voter write in the name of his choice for President, the name of his choice for Senator, and the name of his choice for Representative in Congress. In the State of Illinois a voter may go into an election booth, and all he has to do is to put a little cross in a big circle to vote for every candidate of the Democratic or Republican Party, as the case may be. In my State even a voter who cannot write his name may vote, as he should have the right to do, by having someone tell him how the ballot should be marked, witness his mark, and make an affidavit that he saw how the ballot was marked, and that the voter voted the way he intended to vote. Yet it is proposed to say to the soldier that he must write in the name of his choice for President, Senator, and Representative. At home a man who cannot even read is permitted to vote the ballot the way he wishes to vote. The man who cannot write his name is preferred over the soldier, the sailor, and the marine who are fighting in every section of the globe.

That is the kind of bobtailed ballot we have before us at the present time. If the form of ballot in the Green-Lucas bill is unconstitutional, God knows what violence this ballot would do to the Constitution of the United States.

The proponents of the Taft amendment found it necessary to include many things in order to obtain the sponsorship of Senators whose names appear on it. They finally included the Overton amendment. I respectfully request Senators who are interested in sections 1 and 2 of Public Law 712, dealing with registration and the poll tax, and which we have already established as the basic law of the land, to look at section 14, on page 12, of the Taft amendment. It provides as follows:

> The functions and powers of the Soldiers' and Sailors' War Ballot Commission under this act shall be administrative only. Nothing in this act shall be construed to confer a right to vote upon any person who does not possess the qualifications prescribed and defined by State law.

The qualifications prescribed and defined by State law—the very thing we battled over for days in the Senate. For many days we debated the question of qualifications of voters. This is the very thing which we defeated in the Senate by a vote of 66 to 16. We now find it in the Taft amendment. Senators on the other side of the aisle who voted against the elimination of the poll-tax and registration requirements in Public Law 712 now have their names on the Taft amendment. How can they do it? Listen to this:

> And nothing in this act shall be construed to affect the right of any State to prescribe and define the qualifications of electors entitled to vote in elections held in such State, and to determine what persons possess such qualifications.

That is squarely in the teeth of Public Law 712. There is no doubt about it. That is the main thing in which my good friend the Senator from Louisiana [Mr. OVERTON] has been interested; and that, of course, is his privilege.

We come now to the question of the validity of ballots, and we find the very language upon which we had either a yea-and-nay or a voice vote the other day. In the last sentence of the subsection headed "Validity of ballots" the following sentence has been added:

> The qualifications of voters shall be determined in accordance with State law.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The time of the Senator on the amendment has expired.

Mr. LUCAS. I will take 5 minutes on the bill.

The PRESIDING OFFICER. The Senator has not yet taken any time on the bill.

Mr. LUCAS. I will take some time on the bill.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. I do not want the interruption to be taken out of my time.

Mr. OVERTON. I should like to know, for my own information, whether a Senator may divide his time on the bill by taking 5 minutes now and 5 minutes later.

The PRESIDING OFFICER. A Senator may speak only once on the bill, whether he speaks for 5 minutes or whether he consumes his entire time.

Mr. LUCAS. I will take the remainder of my time on the bill.

To repeat, Mr. President, in subsection (b) of section (14), under the heading "Validity of ballots," we have the exact thing which the Senate defeated by a vote. It will be recalled that I asked the Senator from Louisiana a question on this subject. The language of his amendment provided that the qualifications of voters should be determined in accordance with State law.

I asked the Senator from Louisiana if that did not go to the heart of sections 1 and 2, and he said that it literally tore the heart out of those sections. That is exactly as I recall the words which were used. How any Member of the Senate could vote a few days ago against repeal of sections 1 and 2 of Public Law 712, and today reverse himself by voting for repeal, is a little difficult for me to understand.

Mr. President, this is a scheme to defeat the Green-Lucas bill. Senators who are opposed to the bill do not care how they defeat it, so long as they can get all the amendments possible, tied up one with another, by those who have sought to have amendments agreed to here. But, my fellow colleagues, I undertake to say that if this amendment is agreed to, the boys overseas might just as well forget about attempting to vote in the 1944 election.

A few days ago my good friend from Tennessee [Mr. MCKELLAR] referred to the constitutionality of the bill, and talked for a long time about it. One of my good friends on the Republican side of the aisle said that the Senator from Tennessee—and I agreed with him—had made one of the most remarkable speeches on the question of the constitutionality of the Lucas-Green bill he had heard since he had been a Member of the Senate. But today, Mr. President, my good friend has his name on the Taft amendment which, from the standpoint

of the Constitution, deals with the same basic and fundamental propositions that are dealt with by the Lucas-Green bill. I undertake to say that my bill is constitutional, Mr. President.

A few days ago the great Senator from Tennessee referred in his argument to a case which he said he did not believe had ever been overturned. He cited the case of *In re Green* (134 U. S. 377–379). That is the case which dealt with Presidential electors. I have not heard it denied that under section 4 of article I of the Constitution the Congress cannot set up its own machinery for holding elections insofar as voting for Representatives and Senators is concerned, but it is all hinged on the question of the electors who finally cast their ballots for the President of the United States.

I will read from a case which is much later than the one which the Senator from Tennessee discussed a few days ago, namely, *Burroughs* v. *Cannon*, found in Two Hundred and Ninetieth United States Reports, page 534. The opinion was written by Justice Sutherland. As I recall, he was one of those rugged individuals, a firm believer in the Constitution. I will read what he said in a famous opinion in a case dealing with the Corrupt Practices Act, where a demurrer was overruled to the indictment. As I recall, the indictment was in the State of Louisiana.

Mr. McKELLAR. Mr. President, may I ask the Senator what is the citation?

Mr. LUCAS. It is the Burroughs case, found in Two Hundred and Ninetieth United States Reports, at page 534. I will hand it to the Senator when I have finished.

Mr. McKELLAR. Very well.

Mr. LUCAS. This is what the opinion said in dealing with the Presidential electors:

> While Presidential electors are not officers or agents of the Federal Government (*in re Green*, 134 U. S. 377, 379)—

That is the same case which the Senator from Tennessee read.

Mr. McKELLAR. No, I read from the case of McPherson against Blacker.

Mr. LUCAS. That is correct, but in the McPherson case the Green case was referred to as it is also referred to in this case.

I continue reading from the opinion:

> they exercise Federal functions under, and discharge duties in virtue of authority conferred by, the Constitution of the United States. The President is vested with the executive power of the Nation. The importance of his election and the vital character of its relation to and effect upon the welfare and safety of the whole people cannot be too strongly stated. To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the Nation in a vital particular the power of self-protection.

Mr. McKELLAR. Mr. President, if the Senator will permit me, I think Justice Sutherland was entirely right in that statement. It is an entirely different case, and has nothing in the world to do with, and does not remotely relate to, the power of voting.

Mr. LUCAS. The Senator from Tennessee may have his own opinion, and, of course, I respect it, but I am constrained to disagree with him. I read further.

> Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the general government from impairment or destruction, whether threatened by force or corruption.

The point I make to the Senator from Tennessee is that if the Congress of the United States can protect an election from political corruption or force insofar as electors are concerned, it also has that same power to protect the election from political distortion.

I cite to the Senate a case in which political distortion is now being practiced by our Government. We are at war. War has taken 5,000,000 men and caused them to be sent overseas. These men are not overseas through any choice of their own. They are there as citizen soldiers. I undertake to say that if Congress can go into a district and protect against corruption electors who have been elected in the case of the President of the United States, it has the same power to protect them from political distortion caused by the act of war. In other words, Mr. President, Congress has the power to declare war. After war has been declared, under the eighteenth paragraph of section 8, article I of the Constitution Congress has the power—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

In other words, after war has once been declared Congress has the power to make the laws which have to do with the effective prosecution of the war.

If Senators believe that the soldiers should have a right to vote as a morale builder, then they are doing something to effectuate the successful prosecution of the war. Everyone has said that the soldier ought to vote; no one will deny that the opportunity to vote will be a morale builder; everyone knows that the morale of the soldier will be injured and impaired if he shall not have the opportunity to vote.

I undertake to say, with that set of circumstances before us, political distortion is here. Under the protecting powers of the Constitution, under the war powers of the Constitution, it is our duty to step in and find the remedy. The Lucas-Green bill is the constitutional answer.

I repeat what I said a moment ago that in the event this bill is unconstitutional I challenge anyone to make an argument for the constitutionality of the Taft-McKellar amendment which is now before the Senate.

Mr. President, I think that is about all I care to say upon this important question. I know that we are dealing with a sacred right; I know that we are dealing with a fundamental principle of representative government. I know that the American soldier and sailor and marine, wherever they may be fighting, wherever they may be training, whether in this country or elsewhere, should be given an opportunity to vote with the least possible trouble and the least expenditure of time upon their part.

Mr. President, if we leave it to the States, there will not be 5 percent of the soldiers, sailors, and marines who are serving outside the continental limits of the United States who will ever vote; it just will not be possible, and it has been so stated over and over again. The only reason this bill was brought before the Senate in the first instance was because of the impossibility of the ballots of 48 States with 48 different procedures, and thousands upon thousands of ballots from every county in the United States of America being placed in the hands of the servicemen. The issue has never changed from the day the bill was introduced until now. The sole issue is, Do you want a uniform and simple ballot to enable in the easiest way possible the man who is fighting and dying for his country to have an opportunity to vote?

Mr. LANGER. Mr. President, I deeply regret that I am unable to agree with my distinguished colleague from Ohio [Mr. TAFT] in what he said a few moments ago about his amendment.

Section 14 (a) of his amendment reads as follows:

> SEC. 14. (a) The functions and powers of the Soldiers' and Sailors' War Ballot Commission under this act shall be administrative only. Nothing in this act shall be construed to confer a right to vote upon any person who does not possess the qualifications prescribed and defined by State law for electors in the State of his residence; and nothing in this act shall be construed to affect the right of any State to prescribe and define the qualifications of electors entitled to vote in elections held in such State and to determine what persons possess such qualifications.

And subsection (b) reads:

> VALIDITY OF BALLOTS
>
> (b) The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States. Votes cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified. The qualifications of voters shall be determined in accordance with State law.

Mr. President, three times the distinguished Senator from Louisiana [Mr. OVERTON] offered his amendment providing that the qualifications of soldier voters shall be determined in accordance with State law, and three times, by an overwhelming vote, the Senate voted against it. Yet, Mr. President, in the Taft amendment we find exactly the same language:

> The qualifications of voters shall be determined in accordance with State law.

Mr. President, what are the qualifications of some of the States? Under such qualifications millions—and I use that number advisedly—thousands of young

men both white and black will be discriminated against in the eight Southern poll-tax States alone. Inquiry this morning made at the War Department shows that there are more than 600,000 servicemen serving from the eight poll-tax States. In my opinion there is no question that these men, and the women, too, who are in the service, would be disqualified if the Taft amendment should be adopted.

Mr. President, a stigma has been placed upon the colored citizens by the Democratic Party, and the Republican Party is now about to join in it, because if the Taft amendment is adopted, it can only be adopted by Republican votes. All the platforms that have been adopted by the Republican Party from 1872, every 4 years up to and including the last Republican convention, have said that the Republican Party was the friend of the Negroes and the poor white folks in the Southern States.

Mr. President, the Taft amendment, if adopted, would incorporate these words into the bill:

The qualifications of voters shall be determined in accordance with State law.

What are the qualifications in Alabama? The qualifications in that State were adopted in 1900. I will read the law with respect to qualifications enacted by the State of Alabama:

1. Those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work; and those who can read and write any article of the Constitution of the United States in the English language and who have worked and have been regularly engaged in some lawful employment, business or occupation, trade, or calling for the greater part of the 12 months preceding the time they offer to register; and those who are unable to read and write, if such inability is due solely to physical disability; or

2. The owner in good faith in his own right, or the husband of a woman who is the owner in good faith in her own right, of 40 acres of land situate in this State, upon which they reside; or the owner in good faith in his own right or the husband of any woman who is the owner in good faith in her own right of any real estate situate in the State assessed for taxation at the value of $300 or more, or the owner in good faith in his own right or the husband of any woman who is the owner in good faith in her own right of personal property in this State assessed for taxation for $300 or more: *Provided*, That the taxes due upon such real estate or personal property for the year next preceding the year for which he offers to register shall have been paid, unless the assessment shall have been legally contested and is undetermined.

Mr. President, the law of the State of Georgia, adopted in 1902, provided:

PARAGRAPH 1. Election by the people shall be by ballot, and only these persons shall be allowed to vote who have first been registered in accordance with the requirements of law.

PAR. 2. Every male citizen of the State who is a citizen of the United States, 21 years old or upward, not laboring under any of the disabilities named in this article, and possessing qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people; provided that no soldier, sailor, or marine in the military or naval service of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State.

PAR. 3. To entitle a person to register and vote at any election by the people he shall have resided in the State 1 year next preceding the election, and in the county in which he offers to vote 6 months next preceding the election, and shall have paid all taxes which may have been required of him since the adoption of the Constitution of Georgia of 1877, that he may have had an opportunity of paying agreeably to law. Such payments must have been made at least 6 months prior to the election at which he offers to vote, except when such elections are held within 6 months from the expiration of the time fixed by law for the payment of such taxes.

PAR. 4. Every male citizen of this State shall be entitled to register as an elector and to vote at all elections of said State who is not disqualified under the provisions of section 2 of article 2 of this constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this section or who will possess them at the date of the election occurring next after his registration and who in addition thereto, comes within either of the classes provided for in the five following subdivisions of this paragraph:

1. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War or the War of 1812 or in the War with Mexico or in any war with the Indians, or in the War between the States, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States of the State of Georgia in the War between the States; or

2. All persons lawfully descended from those embraced in the subdivision next above; or

3. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or

4. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to him by any one of the registrars, and all persons who, solely because of physical disability, are unable to comply with the above requirements, but who can understand and give reasonable interpretation of any paragraph of the Constitution of the United States or of this State, that may be read to them by one of the registrars; or

5. Any person who is the owner in good faith in his own right of at least 40 acres of land situated in this State, upon which he resides, or is the owner in good faith in his own right of property situated in this State and assessed for taxation at the value of $500.

PAR. 5. The right to register under subdivisions 1 and 2 of paragraph 4 shall continue only until January 1, 1915, but the registrars shall prepare a roster of all persons who register under subdivisions 1 and 2 of paragraph 4 and shall return the same to the clerk's office of the superior court of their counties and the clerks of the superior court shall send copies of the same to the secretary of state, and it shall be the duty of these officers to record and permanently preserve these rosters. Any person who has been once registered under either of these subdivisions 1 or 2 of paragraph 4 shall thereafter be permitted to vote, provided he meets the requirements of paragraphs 2 and 3 of this section.

PAR. 6. Any person to whom the right of registration is denied by the registrars on the ground that he lacks the qualifications set forth in the five subdivisions of paragraph 4 shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person to register under said subdivisions. All appeals must be filed in writing with the registrars within 10 days from the date of the decision complained of and shall be returned by the registrars to the office of the clerk of the superior court to be tried as other appeals.

PAR. 7. Pending an appeal and until the final decision of the case the judgment of the registrars shall remain in full force.

PAR. 8. No person shall be allowed to participate in a primary of any political party or a convention of any party in the State who is not a qualified voter.

Mr. President, I next come to the law of Louisiana. This is the State from which comes the distinguished senior Senator from Louisiana [Mr. OVERTON], whose amendment was three times voted down by this body. The Louisiana law, adopted in 1897, provides:

SEC. 3. He (the voter) shall be able to read and write, and shall demonstrate his ability to do so when he applies for registration, by making, under oath administered by the registration officer or his deputy, written application therefor, in the English language or his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated, and signed by him in the presence of the registration officer or his deputy, without assistance or suggestion from any person or memorandum whatever, except the form of application hereinafter set forth.

Note this:

SEC. 5. No male person who was on January 1, 1867—

January 1, 1867—

SEC. 5. No male person who was on January 1, 1867, or at any date prior thereto, entitled to vote under the constitution or statutes of any State of the United States, wherein he then resided, and no son or grandson of any such person not less than 21 years of age at the date of the adoption of the constitution, and no male person of foreign birth, who was naturalized prior to the 1st day of January 1885, shall be denied the right to register and vote in this State by reason of his failure to possess the education or property qualifications prescribed by this constitution; provided he shall have resided in this State for 5 years next preceding the date at which he shall apply for registration, and shall have registered in accordance with the terms of this article prior to September 1, 1898, and no person shall be entitled to register under this section after that date.

Now I come to the law in Mississippi, adopted in 1890:

SEC. 244. On and after the 1st day of January 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or to give a reasonable interpretation thereof.

The law of North Carolina, adopted in 1901, and still the law, provides:

ARTICLE VI

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language, and shall show to the satisfaction of the registrars his ability to read and write any such section when he applies for registration, and before he is registered: *Provided, however*, That no male person who was on January 1, 1867, or any time prior thereto, entitled to vote under the laws of any State in the United States where he then resided, and no lineal descendant of such person shall be denied the right to register and vote

at any election in this State by reason of his failure to possess the educational qualifications aforesaid: *Provided*, That it shall be made to appear to the registrar that he or his ancestor was entitled to vote prior to January 1, 1867, in any State in the United States, as prescribed by article 6, section 4, of the constitution, and such person if otherwise qualified shall be registered, and no registrar shall have the right to inquire whether such person can read or write.

Mr. President, the law in South Carolina, adopted in 1895, provided:

SEC. 174. Every male citizen of this State and of the United States, 21 years of age and upward, not laboring under disabilities named in the Constitution of 1895 of this State, and who shall have been a resident of the State for 2 years, in the county 1 year, in the polling precinct in which the elector offers to vote 4 months before any election, and shall have paid 6 months before any election any poll tax then due and payable, and who can read and write any section of the said Constitution submitted to him by the registration officers, or can show that he owns and has paid all taxes collectible due the previous year on property in the State assessed at $300 or more and who shall apply for registration shall be registered.

The law in Virginia, adopted in 1902, provides:

SEC. 20. After the 1st day of January 1904, every male citizen of the United States, having the qualifications of age and residence required in section 18 shall be entitled to register:

Provided:

1. That he has personally paid to the proper officer all State poll taxes assessed or assessable against him, under this or the former Constitution for the 3 years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid $1.50 in satisfaction of the first year's poll tax assessable against him; or

2. That unless physically unable, he makes application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officers stating therein his name, age, date and place of birth, residence and occupation at the time and for the 2 years next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and

3. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions and his answers thereto shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

SEC. 21. Any person registered under either of the last two sections shall have the right to vote for members of the general assembly and all officers elected by the people, subject to the following conditions:

That he, unless exempted by section 21, shall, as a prerequisite to the right to vote after the 1st day of January 1904, personally pay at least 6 months prior to the election, all State poll taxes assessed or assessable against him, under this Constitution, during the 3 years next preceding that in which he offers to vote: *Provided*, That if he registers after the 1st day of January 1904, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to the date may be aided in preparation of his ballot by such officer of election as he himself may designate.

SEC. 22. No person who, during the late War between the States, served in the Army or Navy of the United States, or the Confederate States or any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against anyone shall not be enforced by legal process until the same has become 3 years past due.

Mr. President, these are the laws of the States I have enumerated. I am sorry the distinguished senior Senator from Ohio [Mr. TAFT] is not in the Chamber at the moment, because I have discussed this matter with him on two occasions, and I wish to say that under the Taft amendment, if the ballots shall be sent out, the qualifications of the voters will be determined in accordance with the State law.

The amendment provides, in lines 4 to 9, on page 13:

(b) The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States.

In other words, Mr. President, under the provisions of the pending amendment, before a serviceman can vote, the election officers in the various election precincts, districts, counties, or voting units may provide the educational test.

Every Senator knows exactly how persons have been discriminated against in Southern States. Senators may remember the case of a professor who had been teaching Latin and Greek in one of the great universities of the East, who when he came to vote in a certain Southern State was denied the vote because, so it was claimed, he did not have sufficient education. The books are full of court decisions in cases concerned with poor men, white and black, who, when presenting themselves to vote, have been asked to recite a portion of the Constitution of the country, and upon their inability to do so have been barred from voting.

Mr. President, I wish to make it very clear to my colleagues that in my view Republican Senators, if they vote to adopt the pending amendment, will be joining the Democratic Party of this country just as last night in the House of Representatives the Republican Party, through its properly constituted representatives in the House, joined the Democratic Party when Republican Representatives voted to pass the soldiers' vote bill pending in the House.

I read the following from this morning's Washington Post, on page 3:

Just before the Rankin State-voting measure was passed, Representative JAMES A. WRIGHT (Democrat), of Pennsylvania, offered an amendment to RANKIN'S measure specifying that none of its provisions be construed as invalidating the 1942 law waiving State poll taxes and registration for servicemen. This likewise was defeated, 167 to 94. Republicans, although traditionally opposed to poll taxes, cast the largest vote against this move to waive them.

The PRESIDING OFFICER (Mr. WALLGREN in the chair). The time of the Senator on the amendment has expired.

Mr. LANGER. I will now speak on the bill, Mr. President.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes on the bill.

Mr. LANGER. Mr. President, I say that any man asking for the Republican suffrage in any State in the Union, I care not what State it may be, should be judged by his record on this vote. We either are fighting for democracy in the United States or we are not. Across the water, Mr. President, the bullets do not make any distinction between a poor white boy and a rich white boy, or a poor black boy or a rich black boy. If bullets do not make any difference, why should we make a distinction by ballots?

O Mr. President, every time an election has come around the Republican Party has courted the black man and the poor white man down South. In 1872, in 1876, in 1880, in 1884, in 1888, in 1892, in 1896, in 1900, in 1904, in 1908, in 1912, in 1916, in 1920, in 1924, in 1928, in 1932, in 1936, and in 1940 when the Republican Party wanted votes from these poor whites and from these poor blacks it said, "We have declared in our platform that we are your friends," while the Democratic platform each time was silent. We find not a word along that line in any Democratic platform in the years I have specified. It was the Republican Party that said, "We are your friends."

In 1944 again, in the States of Pennsylvania, Indiana, New York, Illinois, and all the other States, the Republican Party is going to say to the black men, "We are your friends. We have always helped in every way we could to give the poor white and the poor black in the Southern States the vote." I ask, Mr. President, that the record of the Republican Party be judged by this vote today. Now is the time for the Republican Party to keep its promise. I ask that the record of each individual Senator be judged by his vote on this occasion, because language of the pending amendment is stated so clearly that, if it is adopted, the result can only be that the poor whites and the poor blacks from the Southern poll-tax States who are across the water fighting for this country will be barred from voting.

Mr. President, I say that if the Republican Party has joined the Democratic Party in barring these poor people, then the time is ripe when the poor people, white or black, all over this Nation, should get together and say "A plague on both your houses." I will go even further and say that if Mr. Wendell Willkie should bolt the party, as some have said he might under certain circumstances, and even if Mr. Wendell Willkie becomes the head of a liberal party, as some hope he will, and if this kind of measure is going to be adopted by the Republicans of this country, then I say godspeed to him when he goes out campaigning throughout the country as a friend of the poor black and as a friend of the poor white.

Mr. President, I was sent here by the rank and file of the people of my State, and even though my voice be the only one raised upon this floor in defense of the voting rights of the poor white and the poor colored soldiers, I am glad of the opportunity to be heard. So, as a good Republican, as a man elected on the Republican ticket, as a man who is entirely satisfied as to the constitutionality of the Green-Lucas bill, I appeal to Senators to support it.

In view of the fact that politics has entered into this debate, in view of the further fact that so many persons are alleging that the President is endeavoring to have the measure passed because he believes it will help the Democratic Party, I say it is my judgment that when the soldiers come to vote the vote is going to be just about even between the Republicans and the Democrats. I think all politics should be kept out of this measure. I think in time of war politics should be adjourned. From the bottom of my heart, Mr. President, I believe that especially in wartime every soldier boy should be allowed to vote. If I had my way, every soldier boy, regardless of age, would be allowed to vote. I think the laws of some of the States should be amended so as to reduce the age limit in order to permit all soldiers to vote.

So, Mr. President, feeling as strongly as I do about this bill——

Mr. MOORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. LANGER. Yes; I yield.

Mr. MOORE. Let me inquire of the Senator, why not have the Congress pass a law lowering the age limit?

Mr. LANGER. Mr. President, I will not enter into a debate on that matter. We had that question under consideration the other day, and it was debated upon this floor.

Mr. President, I inquire how much more time I have remaining.

The PRESIDING OFFICER. The Senator has approximately 12 minutes remaining.

Mr. LANGER. I thank the Chair.

So, Mr. President, feeling as strongly as I do about this measure, I call the attention of the Senate to the Republican campaign literature which I now hold in my hand, and which was prepared during the campaign of Alfred M. Landon. It is entitled "The Republican Party and the American Colored People."

At that time the Republican Party was looking for votes. At that time representatives of the Republican Party went over the highways and byways trying to gather votes wherever it could. The Republican Party, at its national headquarters set up a division whose sole purpose was to get the poor colored and white folks from the Southern States to vote the Republican ticket. They sent out hundreds of speakers. For a time they thought they might even carry a part of the solid South. At one time they seriously considered putting into the Southern States a ticket headed by Mr. Landon, but called "Liberal," or some other name, instead of being called "Republican." At that time, just as today, 1944, the Republican Party wanted those votes.

The situation reminds me of the fact that in my own State every time an election occurs the reactionary politicians call upon the farmers and say to the farmers almost anything that occurs to them to say. They tell the farmers they are going to do this, that, and the other thing for them. But just as soon as the election is over, they forget all about the farmers. That is one reason why in 1932 we had 24-cent wheat in my State, 17-cent rye, and 7-cent oats. It is my judgment—and I believe history will prove—that after every one of the elections in which either the Republican Party or the Democratic Party has made such glowing promises to the poor whites and the poorer colored people, just so soon as the election ended they forgot all about the promises. I ask any Senator upon this floor to name any really substantial thing which either the Democratic Party or the Republican Party in recent years has done for the poor whites or the poor colored people in the South. They have had nothing but glowing promises. They have never had performance.

I repeat, Mr. President, that if the Republican Party, which has at least said it was the friend of the poor whites and poor black people in the South is now going to join the Democratic Party, as apparently it did last night in the House of Representatives, according to Washington dispatches, then these poor people of this whole country should definitely get together to ascertain whether something can be done, acting unitedly, to keep the real power of this Government in the hands of the common people.

We all know how the Presidents have been chosen, Mr. President—5 or 6 millionaire Democrats getting into 1 smoke-filled room and picking 1 candidate, and 5 or 6 millionaire Republicans getting into another smoke-filled room and picking another candidate, and then the 10 millionaires retiring into some cocktail lounge and laughing at the common people, and saying, "Look at them fight out there. What difference does it make which one of the two they elect? We picked them both."

So, Mr. President, that is one of the reasons why sometime ago I introduced Senate Joint Resolution 107 providing for the adoption of a constitutional amendment abolishing the electoral college and providing for the direct election of the President of this country by the people. I tried to follow the footsteps of Robert La Follette, Sr., and of George Norris, of Nebraska, who once advocated such a measure, and stood upon this floor and fought for it. It was defeated. I wish it had been adopted; because if it had, and if the people had had a direct vote for President, in my judgment the history of this country would have been entirely different from what it has been lately.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Bailey	Guffey	Reed
Ball	Gurney	Revercomb
Bankhead	Hatch	Reynolds
Barkley	Hawkes	Robertson
Bilbo	Hayden	Russell
Bone	Hill	Shipstead
Brewster	Holman	Smith
Brooks	Jackson	Stewart
Buck	Johnson, Colo.	Taft
Burton	Kilgore	Thomas, Idaho
Bushfield	La Follette	Thomas, Okla.
Butler	Langer	Thomas, Utah
Byrd	Lucas	Tobey
Capper	McCarran	Truman
Caraway	McClellan	Tunnell
Chandler	McFarland	Tydings
Chavez	McKellar	Vandenberg
Clark, Idaho	Maloney	Wagner
Clark, Mo.	Maybank	Wallgren
Connally	Mead	Walsh, Mass.
Danaher	Millikin	Walsh, N. J.
Davis	Moore	Wheeler
Downey	Murdock	Wherry
Eastland	Murray	White
Ellender	Nye	Willis
Ferguson	O'Daniel	Wilson
George	O'Mahoney	

The PRESIDING OFFICER. Eighty-nine Senators have answered to their names. A quorum is present.

Mr. GREEN. Mr. President, I submit an amendment which I intend to propose to Senate bill 1612, and ask that it be read by the clerk.

The PRESIDING OFFICER. Without objection, the clerk will read the amendment for the information of the Senate.

The CHIEF CLERK. On page 35, lines 10 to 24, and page 36, lines 1 to 25, it is proposed to strike out all of sections 9 (a) and 9 (b) there appearing and substitute therefor the following:

SEC. 9. (a) The Secretaries of War and Navy, insofar as practicable and compatible with military operations, shall cause ballots, envelopes, explanations of voting procedure, and lists of candidates, promptly after receipt thereof from the Commission, to be distributed to members of the armed forces and to civilians attached to and serving with the armed forces and entitled to vote under this title, who desire to vote under this title, and shall cause executed ballots to be collected and transmitted to the Commission.

(b) Wherever practicable and compatible with military operations, the appropriate commanding officer shall be required—

(1) to cause lists of candidates to be posted and otherwise made available at conspicuous and convenient places, and to cause copies of explanations of voting procedure and all other necessary information to be furnished to members of his unit and civilians attached to and serving with such unit and entitled to vote under this title;

(2) to use his best efforts to assure that every person in or attached to and serving with his unit, who is entitled and desires to vote under this title, has an opportunity to mark his ballot in secret before the latest date which should afford a reasonable opportunity for the return of executed ballots;

(3) to destroy, as soon as practicable after the completion of voting within his unit under this section, all official Federal war ballots in his custody remaining unused.

(c) It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the armed forces of the United States (1) to suggest to any member of the armed forces that he shall vote, shall not

vote, or that he shall vote or not vote for any candidate, or (2) to require any member of the armed forces to march to any polling place or places of voting.

Mr. WHITE and Mr. JOHNSON of Colorado addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. WHITE. I should like to make an inquiry. Is the language which we have just heard read a committee amendment or an amendment offered to the committee amendment or to the so-called compromise amendment?

Mr. GREEN. It is a proposed amendment to Senate bill 1612, which is pending before the Senate. It is not offered as an amendment to the so-called Taft amendment.

Mr. JOHNSON of Colorado. Mr. President, I desire to ask the Senator from Rhode Island a question with respect to the amendment he has just offered. I notice that he has adopted the language of the amendment as I have prepared it.

Mr. GREEN. That is very true. The Senator from Colorado deserves the credit for proposing the amendment.

Mr. JOHNSON of Colorado. I do not care anything about the credit. I want to find out whether this amendment has been submitted to the War and Navy Departments for their approval or disapproval?

Mr. GREEN. It has.

Mr. JOHNSON of Colorado. Has my amendment, along with the other amendments, been submitted to the War and Navy Departments, and have they approved the language of my amendment?

Mr. GREEN. I would rather not go further than to say that they have not disapproved.

Mr. JOHNSON of Colorado. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

Mr. TAFT. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Is the amendment to be voted on before the amendment I offered is voted on?

The PRESIDING OFFICER. Under rule XVIII the amendment offered by the Senator from Rhode Island will take precedence over the pending amendment of the Senator from Ohio.

Mr. CLARK of Missouri. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. The Senator from Rhode Island did not offer the amendment, as I understand. He gave notice that he was going to offer it. In that case, unless he does offer it now, the rule would be that the amendment in the nature of a substitute of the Senator from Ohio would be voted on; and if the amendment of the Senator from Ohio were agreed to, it would then be too late to vote on the amendment of the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair understood the Senator from Rhode Island to offer his amendment. The Chair asks the Senator from Rhode Island if he offered the amendment, or stated that he intended to offer it.

Mr. GREEN. Mr. President, I intended to say that I would propose it, which I now do.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Rhode Island.

Mr. TAFT. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. What is the basis of fact on which the amendment of the Senator from Rhode Island is given precedence over my amendment? I cannot see anything in rule XVIII which would suggest any such procedure.

Mr. BARKLEY. Mr. President, if the Senator from Ohio will yield to me, let me say it has been the practice and rule of the Senate that when an amendment in the nature of a substitute is offered it is in order to perfect the original language before the substitute is voted on.

Mr. TAFT. I have offered an amendment, not a substitute.

Mr. BARKLEY. It is in the nature of a substitute for certain parts of the bill.

Mr. TAFT. It is an amendment to the bill from pages 19 to 44, inclusive, and leaves three or four pages at the beginning of the bill and three or four pages at the end.

Mr. BARKLEY. I understand.

Mr. TAFT. Therefore, it is an amendment.

Mr. BARKLEY. But it is a substitute for the language which the Senator seeks to strike out of the bill.

Mr. TAFT. It does not make a great deal of difference to me, but I do not see anything in Rule XVIII which would give precedence to the amendment of the Senator from Rhode Island over my amendment.

The PRESIDING OFFICER. The Chair will state that rule XVIII reads as follows:

> But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

The Chair rules that under rule XVIII the amendment offered by the Senator from Rhode Island [Mr. GREEN], being a perfecting amendment, takes precedence over the pending amendment of the Senator from Ohio [Mr. TAFT].

Mr. GREEN. Mr. President, is it understood that I have offered my amendment? That was my intention.

The PRESIDING OFFICER. The Chair rules that the Senator from Rhode Island has offered his amendment. The amendment of the Senator from Rhode Island is the pending question.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Ohio.

Mr. McKELLAR. Mr. President, I believe a quorum should be present before a vote is taken. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Bailey	Guffey	Reed
Ball	Gurney	Revercomb
Bankhead	Hatch	Reynolds
Barkley	Hawkes	Robertson
Bilbo	Hayden	Russell
Bone	Hill	Shipstead
Brewster	Holman	Smith
Brooks	Jackson	Stewart
Buck	Johnson, Colo.	Taft
Burton	Kilgore	Thomas, Idaho
Bushfield	La Follette	Thomas, Okla.
Butler	Langer	Thomas, Utah
Byrd	Lucas	Tobey
Capper	McCarran	Truman
Caraway	McClellan	Tunnell
Chandler	McFarland	Tydings
Chavez	McKellar	Vandenberg
Clark, Idaho	Maloney	Wagner
Clark, Mo.	Maybank	Wallgren
Connally	Mead	Walsh, Mass.
Danaher	Millikin	Walsh, N. J.
Davis	Moore	Wheeler
Downey	Murdock	Wherry
Eastland	Murray	White
Ellender	Nye	Willis
Ferguson	O'Daniel	Wilson
George	O'Mahoney	

The PRESIDING OFFICER. Eighty-nine Senators have answered to their names. A quorum is present.

The question is on the amendment offered by the Senator from Ohio [Mr. TAFT] for himself and other Senators.

Mr. MILLIKIN. Mr. President, in my opinion the proposed amendment is unconstitutional. I believe it violates article II of the Constitution, which confides in the State legislatures the appointment of Presidential and Vice Presidential electors. However, the amendment has the merit of lessening the area of evil. I could not give final approval to legislation which I believed to be unconstitutional on the ground that it would inflict lesser injury than some other type of unconstitutional legislation that might be passed. I shall vote for the amendment, and shall vote against the bill whether or not it includes the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio [Mr. TAFT] on behalf of himself and other Senators. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk called the roll.

Mr. McCARRAN. My colleague the junior Senator from Nevada [Mr. SCRUGHAM] is absent on official business. If present he would vote "nay."

Mr. TAFT. I announce that if the senior Senator from California [Mr. JOHNSON] were present, he would vote "yea."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS], who is absent from the Senate because of illness, is paired with the Senator from California [Mr. JOHNSON]. I am advised that if present and voting, the Senator from Virginia would vote "nay," and the Senator from California would vote "yea."

The Senator from Utah [Mr. THOMAS], who is detained in one of the Government departments on matters pertaining to the State of Utah, is paired with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that if present and voting, the Senator from Utah would vote "nay," and the Senator from New Hampshire would vote "yea."

Mr. WHITE. The Senator from Oregon [Mr. MCNARY] is absent because of illness.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He is paired with the Senator from Utah [Mr. THOMAS]. If present the Senator from New Hampshire would vote "yea," and I am advised that the Senator from Utah would vote "nay."

The Senator from California [Mr. JOHNSON] is necessarily absent. He is paired on this question with the Senator from Virginia [Mr. GLASS]. If present the Senator from California would vote "yea," and I am advised that the Senator from Virginia would vote "nay."

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The result was announced—yeas 42, nays 46, as follows:

YEAS—42

Bailey	George	Reed
Ball	Gerry	Revercomb
Bankhead	Gurney	Reynolds
Bilbo	Hawkes	Robertson
Brewster	Hill	Russell
Brooks	Holman	Shipstead
Buck	Johnson, Colo.	Smith
Bushfield	McClellan	Taft
Butler	McKellar	Thomas, Idaho
Byrd	Millikin	Wheeler
Capper	Moore	Wherry
Caraway	Nye	White
Connally	O'Daniel	Willis
Eastland	Overton	Wilson

NAYS—46

Aiken	Green	O'Mahoney
Andrews	Guffey	Pepper
Austin	Hatch	Radcliffe
Barkley	Hayden	Stewart
Bone	Jackson	Thomas, Okla.
Burton	Kilgore	Tobey
Chandler	La Follette	Truman
Chavez	Langer	Tunnell
Clark, Idaho	Lucas	Tydings
Clark, Mo.	McCarran	Vandenberg
Danaher	McFarland	Wagner
Davis	Maloney	Wallgren
Downey	Maybank	Walsh, Mass.
Ellender	Mead	Walsh, N. J.
Ferguson	Murdock	
Gillette	Murray	

NOT VOTING—7

Bridges	McNary	Thomas, Utah
Glass	Scrugham	Wiley
Johnson, Calif.		

So the amendment of Mr. TAFT (for himself, Mr. MCKELLAR, Mr. BALL, Mr. BAILEY, Mr. BANKHEAD, Mr. BREWSTER, Mr. BUCK, Mr. EASTLAND, Mr. MCCLELLAN, Mr. OVERTON, Mr. O'DANIEL, Mr. REYNOLDS, Mr. REVERCOMB, Mr. ROBERTSON, and Mr. SMITH) was rejected.

Mr. BARKLEY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CLARK of Missouri. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri to lay on the table the motion of the Senator from Kentucky.

The motion to lay on the table was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On Page 40, after line 25, it is proposed to insert the following:

SEC. 17. No person within or without the armed forces of the United States shall poll any member of such forces, either within or without the United States, either before or after he or she shall have executed any ballot either under the provisions of this title or under any State law, with reference to his or her choice of, or his or her vote for, any candidate for any of the offices authorized to be voted for by the use of the aforesaid ballot, nor state, publish, or release any result of any purported poll taken from or among the members of the armed forces of the United States or including within it the statement of choice for, or of votes cast by, any member of the armed forces of the United States for any of the offices authorized to be voted for by the use of the aforesaid ballot.

The word "poll" is defined as any request for information, either verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

The Secretaries of War and Navy, respectively, shall issue all necessary orders, rules, and regulations fixing the penalty for and providing for the manner of trial of all members of their respective services who shall violate the provisions of this section to the extent that existing Articles of War or Articles for the Government of the Navy, respectively, make no present provision therefor.

Any person not a member of the armed forces of the United States who violates the provisions of this section, either within or outside of the United States, shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

Mr. LA FOLLETTE. Mr. President, it would seem hardly necessary to argue in favor of the amendment. The original suggestion was made by Representative LAFOLLETTE, of Indiana, who offered a similar amendment in the House of Representatives.

It must be obvious to all who will give the least consideration to this matter that it would be very unfortunate to have any person, either in the armed forces or out of them, attempting to take polls of the sentiments and the intentions of the members of the armed forces who are to vote under the provisions of the pending bill.

If the final legislation shall contain a provision for the so-called Federal ballot, it is entirely possible that the armed forces may vote upon that ballot several weeks prior to the holding of the general election in the United States. There will be great desire to know how the members of the armed forces have voted, especially if they vote prior to the time the general election is held, and I feel certain that unless this amendment shall be adopted, the desire will lead to efforts on the part of interested parties to make such polls.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CLARK of Missouri. Of course, I am very much in favor of the Senator's amendment. The only question that presents itself to me in connection with the amendment is whether the Senator has made the penalty sufficiently onerous to make certain that no such attempt would be made. I agree that it would probably depend on the Army and Navy, if the bill with the amendment should be enacted into law, to prevent such a poll, but the prize to be played for by some of the concerns which make a business of taking polls would be so tremendous that it seems to me the penalty should be made greater.

Mr. LA FOLLETTE. If the Senator from Missouri will make a suggestion as to what he thinks would be a more appropriate penalty, I shall be very glad to modify my amendment.

Mr. CLARK of Missouri. What is the penalty provided in the Senator's amendment?

Mr. LA FOLLETTE. It provides for a fine of not more than $1,000, or imprisonment for not more than a year, or both.

Mr. CLARK of Missouri. In view of the fact that the provision is for a maximum penalty, and that the penalty is about the same as that which would be imposed for a minor offense, it seems to me the penalty should be made at least a fine of $10,000 or imprisonment for 5 years.

Mr. LA FOLLETTE. I will modify my amendment in conformity with the suggestion made by the Senator from Missouri.

Mr. MCKELLAR. Mr. President, I am very happy the Senator has accepted the proposed amendment. I am very heartily in favor of the amendment of the Senator from Wisconsin, and I think it should be agreed to.

Mr. LA FOLLETTE. As I understand, the amendment is acceptable to the authors of the bill, and unless there are some further questions, I am perfectly willing to take the judgment of the Senate on the amendment.

Mr. GREEN. Mr. President, I am very glad to state that the amendment is perfectly acceptable.

Mr. KILGORE. Mr. President, I could not hear the provisions of the amendment clearly as it was read. Does it prohibit publication?

Mr. LA FOLLETTE. It does, in any form.

Mr. KILGORE. The publication of estimates, and things of that kind?

Mr. LA FOLLETTE. If the Senator will turn to page 2, beginning with line 7, and read that paragraph, I think he will be satisfied that it prohibits the use of the information in any form, written or otherwise.

Mr. KILGORE. I thank the Senator.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment as modified was agreed to.

Mr. MCCLELLAN obtained the floor.

Mr. MILLIKIN. Will the Senator yield to me to suggest the absence of a quorum?

Mr. McCLELLAN. I yield.

Mr. MILLIKIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Bailey	Guffey	Reed
Ball	Gurney	Revercomb
Bankhead	Hatch	Reynolds
Barkley	Hawkes	Robertson
Bilbo	Hayden	Russell
Bone	Hill	Shipstead
Brewster	Holman	Smith
Brooks	Jackson	Stewart
Buck	Johnson, Colo.	Taft
Burton	Kilgore	Thomas, Idaho
Bushfield	La Follette	Thomas, Okla.
Butler	Langer	Thomas, Utah
Byrd	Lucas	Tobey
Capper	McCarran	Truman
Caraway	McClellan	Tunnell
Chandler	McFarland	Tydings
Chavez	McKellar	Vandenberg
Clark, Idaho	Maloney	Wagner
Clark, Mo.	Maybank	Wallgren
Connally	Mead	Walsh, Mass.
Danaher	Millikin	Walsh, N. J.
Davis	Moore	Wheeler
Downey	Murdock	Wherry
Eastland	Murray	White
Ellender	Nye	Willis
Ferguson	O'Daniel	Wilson
George	O'Mahoney	

The ACTING PRESIDENT pro tempore. Eighty nine Senators having answered to their names, a quorum is present.

Mr. McCLELLAN. Mr. President, on behalf of myself and the junior Senator from Texas [Mr. O'DANIEL], I offer an amendment which is at the desk, which I ask to have stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 28, after line 25, it is proposed to insert the following:

(c) Any person otherwise entitled to vote under the provisions of this title may vote irrespective of his age.

Mr. McCLELLAN. Mr. President, when I discussed the pending bill a few days ago on the floor of the Senate I stated that I would oppose the passage of this measure. I stated then somewhat in detail my reasons for opposing it, and among others, the principal reason is because I thought we were attempting to go beyond the power of Congress, in that under the Constitution we have no right to invade the province of the States and take over the election machinery of the country. I still maintain that position. But if the measure is passed and becomes law, then, according to all the arguments I have heard of Senators who support the measure and who advocate its passage, the question of its constitutionality resolves itself into merely a war power, if the right exists at all. I have heard no Senator maintain that the measure would be constitutional, except under a war emergency.

Mr. President, for the past several days on the floor of the Senate, and even back in November and December when the issue was before us, I have seen, figuratively, crocodile tears shed by many who have said that in the name of war, in the name of the emergency, we should let the soldiers vote.

Mr. President, I call attention of Members of the Senate to the fact that next November, on election day, there will be approximately two and one-half million men in our armed services who are under 21 years of age, who are fighting and bleeding and dying for their country just as much as are the men who are over 21 years of age. These men under 21 never have had any voice in their Government. They had no voice in sending me here as their representative. They had no voice in the choosing of their present Commander in Chief. They have had no voice in their Government. I say to my colleagues that if the war emergency warrants and justifies what the pending bill undertakes to do, then the war emergency warrants and justifies you and me, not legally, but morally and equitably, to go one step further and remove the age limit which will bar two and a half million who are called upon to make the supreme sacrifice, and give them equal rights and equal justice under a war emergency law.

Mr. President, who is going to deny it to them? We have heard the plea that the measure must be passed, in the name of soldiers. If it must be done in the name of soldiers, then it ought to be done in the name of all, including two and a half million who never had a voice in their Government.

Yes, Mr. President, I expect some Senator to rise and say to me, "They have fathers and mothers at home who can represent them at the election." Certainly they have. Some of them have sweethearts, some have wives, some have brothers and sisters at home. It may be said that they can represent them at the polls next November when we will be choosing a Commander in Chief to continue to lead them on the field of battle. If they have representatives at home who can voice their sentiments, so has every other soldier in the Army who is more than 21 years of age. Are we going to discriminate against them, or are we going all the way? I say to the Senate that the amendment is unconstitutional; I know that. I make no claim that it is within the constitutional authority of the Congress to pass a law embodying such an amendment. But I say that by the passage of the pending bill the Senate will be tearing down constitutional procedure; and if we have come to that point in America, then I want to tear it down for my 18-year-old boy and yours who is out today on the battlefield offering his life for his country.

Where shall we make the distinction? We cannot make it in the name of the war peril. We cannot make it any longer in the name of the constitutions of the States. We are already knocking over the barrier for all the boys over 21 years of age, under the terms of the pending bill. All I am proposing by the amendment, I say to the Senate, is to knock down some one, two, three, or four more rails off the top of the barrier, so that every boy wearing a uniform on election day will have a voice in this Government, in the choosing of his representatives to serve in the National Congress during the continuation of this war and in choosing the Commander in Chief under whom he will serve as he fights this war.

Mr. President, I have previously discussed this matter. I do not desire to prolong the debate. I discussed this proposal a few days ago. I am sincere in what I am now about to say, and I ask my colleagues to join me in the action I propose. Those of us who have conscientiously tried to follow what we believed to be our duty under the Constitution have been under the whip. The charge has been made that we should stand up and be counted. I am ready to stand up and be counted on every amendment, as I announced on the floor of the Senate a few days ago. I desire to stand up and be counted on this amendment, and I want my vote to be recorded. I ask my colleagues in the Senate to join me so that we may have a yea-and-nay vote on the amendment.

I do not wish to leave any misunderstanding. I frankly admit that I shall vote against the final passage of the bill. But at this moment I am fighting for the boys who have never had a voice in government but who are expected to make the supreme sacrifice—who are marching into the bayonets, into the cannon fire, and under the bombs just as the boys 21 years of age and over are doing.

Senators who have said it is so imperative, who have said we owe it to them, who have said we should not deprive them of their right in this respect, should join with me now and go all the way. Let us give a voice in government to every boy who offers his life as a sacrifice to his country.

Mr. PEPPER. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator yield to the Senator from Florida?

Mr. McCLELLAN. I yield.

Mr. PEPPER. In my absence from the floor during the very able speech of the Senator from Arkansas, the question I am about to propound may already have been asked and answered. What I should like to know is whether the able Senator makes any distinction between having the Federal Government eliminate the requirement of registration or payment of a poll tax and having the Federal Government fix the age at which a voter in a State may vote.

Mr. McCLELLAN. I make no distinction whatsoever. The States have the right to fix the age of their voters. They have fixed it by constitutional provision. The States and the people have never vested in the Federal Government the power to manage or control their elections. We are now proposing to tear down that barrier. If we can do so by a congressional act, by a Federal law, in spite of the Constitution, we can certainly do the other, and we should do it.

Mr. PEPPER. Mr. President, will the Senator further yield?

Mr. McCLELLAN. I yield.

Mr. PEPPER. I should like to determine whether that result necessarily

would follow. To what provision of the bill does the able Senator refer when he says it will break down constitutional Government and constitutional provisions, as he understands those requirements?

Mr. McCLELLAN. Very definitely the bill does not permit the States to make the determination of the qualification of its voters. The amendments we have been offering, have been voting on, and have been trying to have agreed to, expressly provide that the States shall have the right to determine the qualification of their voters. The sponsors and supporters of the bill have voted down these amendments.

Mr. PEPPER. Mr. President, will the Senator further yield?

Mr. McCLELLAN. I yield.

Mr. PEPPER. I ask the Senator if the reason why he says regard has not properly been given to States' rights is found in the bill we are now considering and in the Senate's action in rejecting the Overton amendment, which would eliminate the requirement of registration and payment of a poll tax in a given State as a condition precedent to voting. Are those the provisions to which the Senator has reference?

Mr. McCLELLAN. I very definitely have reference to sections 1 and 2 of Public Law 712. I very definitely refer to the whole bill under consideration; because every time we have tried by amendment to say specifically that the power and the right to determine the qualification of those who shall cast ballots are reserved to the States, we have been met here with opposition, and all such amendments have been rejected. If a majority of the Senate does not mean to keep the States from determining the qualification of their voters, there would be no reason on earth for opposing such clarifying amendments.

Mr. PEPPER. Mr. President, if the Senator will permit me to ask another question, I should like to inquire whether he makes a distinction between the congressional authority conferred by the Constitution to fix the time, manner, and place of holding election for Federal officials, and the right to prescribe the qualification of electors.

Mr. McCLELLAN. I make a very definite distinction, and the pending bill proposes to place the determination of the qualification of electors in the Federal Government. That is why I am opposing the bill as being unconstitutional. By the enactment of the bill in its present form, the Senate will tear down that barrier. The bill is the entering wedge to the destruction of the free exercise of the franchise in this country. For that reason, I oppose the bill.

Mr. PEPPER. Mr. President, will the able Senator yield for a further question?

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Florida?

Mr. McCLELLAN. Mr. President, I have yielded several times. I do not wish to be unkind, of course; I shall yield for one more question.

Mr. PEPPER. Very well, Mr. President; one other question is all I care to ask of the Senator.

Does the Senator care to point out any provisions of the bill, as presently drawn, by which the power of the States to fix the qualification of their voters would be impaired or violated?

Mr. McCLELLAN. Very definitely it has been impaired in Public Law 712, to which the pending bill is an amendment. It is also impaired by section 14 (a), by which we would leave to the States only the right to determine the validity of the ballot; but the Senate would not permit an amendment—a majority of the Senate opposed it and voted it down—which would add to that the power to determine the qualification of its voters.

Mr. PEPPER. I thank the Senator.

Mr. McCLELLAN. Mr. President, for those reasons it is my conviction that the bill in its present form does violate the prerogatives of the States to determine the qualification of their electors. Therefore, I cannot support the bill. I cannot support it with this amendment I propose in it because of that conviction.

However, I do say in all sincerity, in all manner of justice, equity, and every moral right, that if we are going to do this in the name of the war effort, if we are going to do it because we have called our men to foreign soil to fight, we must remember that we have also called the youth of the land, those who have never had a voice in government. I am pleading for two and one-half million of them today.

Senators talk about disfranchising someone, taking someone to the battlefield, and making him offer his life. We are taking the youth of the land to every battlefield in the world and are making them offer their lives. We are not offering them a franchise, although they have a right to it and although Senators are willing to vote to take away from the States their constitutional right to determine the qualification of their voters.

Mr. TUNNELL and Mr. PEPPER addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield; and, if so, to whom?

Mr. McCLELLAN. I yield to the Senator from Delaware.

Mr. TUNNELL. Mr. President, I should like to ask the Senator whether, if his amendment should become a part of the bill, and if the bill should be enacted into law, a 17- or 18-year-old boy who remained at home would have a right to vote.

Mr. McCLELLAN. He would not have a right to vote. He would not have been called by his country to go on foreign fields and offer his life. Senators have made the proposal all along: "Our soldiers must vote." Well, Mr. President, two and one-half million of them will not be allowed to vote, but many of them are going to die. They are dying now—boys from your State and boys from mine. On every battlefield they are giving their lives. There is nothing more precious than human life. Senators talk about the right to vote as something very precious. Does any Senator contend that the boy's life is less precious and sacred?

The life of the boy who is only 18 or 19 years old is just as precious, and his blood is just as sacred, as that of the boy more than 21 years of age.

Mr. TUNNELL. Mr. President, will the Senator yield for a further question?

Mr. McCLELLAN. I gladly yield.

Mr. TUNNELL. Then there would be a distinction between the boy who is at home and the one who is in the Army.

Mr. McCLELLAN. There is definitely that distinction; and by act of Congress which is now in force there is another distinction. That is the distinction between life and death. We have called them to fight, and perhaps to die. We have not yet called all and sent them to the battlefield. If we are denominating this a war measure, let us be fair to all soldiers. Does the Senator think it is fair, if a boy happens to be more than 21 years of age, to hand him a ballot and tell him that he may vote for his choice for Commander in Chief, and say to the boy fighting by his side who is only 20 years of age, "You may not vote because you do not meet the age requirement"? If we are to give soldiers the vote, let us discriminate against no soldier because of his age. If he is old enough to fight he ought to be old enough to vote if we are going to violate the Constitution.

Mr. TUNNELL. Mr. President, will the Senator yield for a further question?

Mr. McCLELLAN. I yield.

Mr. TUNNELL. What would be the position of the Senator in the case of an 18-year-old boy who was inducted into the Army, wounded, and sent home? Should he be allowed to vote?

Mr. McCLELLAN. He ought to be allowed to vote.

Mr. TUNNELL. Would he be allowed to vote under the terms of the Senator's amendment?

Mr. McCLELLAN. If not, will the Senator offer an amendment to it which would give him the right to vote, and support such an amendment?

Mr. TUNNELL. I am asking the Senator a question.

Mr. McCLELLAN. I am asking the Senator if he would support such an amendment.

Mr. TUNNELL. No; I would not.

Mr. McCLELLAN. The Senator would deny to two and a half million men in the armed services the right to vote.

Mr. TUNNELL. I would not support such a proposal under any conditions.

Mr. McCLELLAN. I know the Senator would not. I will say to him honestly and frankly that even if my amendment is adopted, I shall vote against this bill. I think the whole thing is unconstitutional; but if we are to have an unconstitutional act, if Congress is ready to usurp the power of the States to determine the qualifications of their voters, I want to strike down the other barriers. These boys are called upon to sacrifice their lives for their country—for you and me—and yet it is proposed to deny to two and a half million of them an opportunity to help select their Commander in Chief. Let us go all the way, or stay within the Constitution as we should always do.

Mr. President, on this amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PEPPER. Mr. President, to my mind the amendment offered by the able Senator from Arkansas presents an entirely different question from that which has been previously presented in the discussion of the pending bill. I believe there is a very clear distinction between the Congress fixing the age of the electors and Congress eliminating the necessity of an elector who is a soldier abroad personally to register or pay a poll tax, or both.

I make the distinction, Mr. President, because the elimination of the requirement that the soldier register in his home precinct, or pay a poll tax there, or do both, is in my opinion the elimination of a condition precedent, and not the fixing of a qualification, because conditions precedent are conditions which must be fulfilled before one exercises a certain prerogative.

However, the fixing of qualifications has to do with the fitness of an elector to perform the electoral function. Obviously there is a difference between fixing the age of the elector, fixing the moral and educational requirements of the elector, and requiring the elector to perform a condition precedent to the exercise of the electoral franchise—for example, registering or paying a sum of money called a poll tax.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KILGORE. The Senator is no doubt aware of the fact that there are now pending before the Judiciary Committee two joint resolutions which have been held back awaiting the conclusion of this debate. They bear on this very subject. They call for amendments to the Constitution of the United States which would lower the voting age.

Mr. PEPPER. I thank the able Senator for the suggestion. The authors of those joint resolutions thought it necessary to present the matter in the form of a proposed amendment to the Constitution, and not in the form of legislation.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McCLELLAN. Does the Senator have any hope, and can he offer any encouragement to the two and a half million boys under 21 years of age, that any such amendment to the Constitution could possibly be adopted in time to give them an opportunity to vote in the forthcoming election?

Mr. PEPPER. That is a question involving practical considerations. I defer to the able Senator from West Virginia.

Mr. KILGORE. Under existing law it is possible for the Congress to call for constitutional conventions in all the States, and to fix the dates. The entire matter could be threshed out in conventions long before the election.

Mr. McCLELLAN. Let me ask the Senator if he can offer any hope to the two and a half million servicemen under the age of 21 that such action would be taken, or even attempted?

Mr. KILGORE. I am merely stating the fact that joint resolutions somewhat in line with the Senator's suggestion are now pending before the Committee on the Judiciary.

Mr. McFARLAND. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Arizona?

Mr. PEPPER. I yield.

Mr. McFARLAND. I should like to ask the Senator from Arkansas a question. Does he have any hope that even if his amendment were to be adopted the votes of those boys would be counted?

Mr. McCLELLAN. I do. Notwithstanding the constitutional provision in my State fixing the age limit at 21. I believe that if my State should recognize that the Federal Government is destroying its Constitution and taking away the constitutional rights of the States, it would want its 18-year-old boys in the service to vote.

Mr. McFARLAND. Does the Senator believe that that provision of his amendment is constitutional?

Mr. McCLELLAN. I know it is not constitutional. I have said so. Even if my amendment is adopted, I shall vote against the bill on final passage, and have so stated.

Mr. McFARLAND. Then the Senator has no hope that the votes of those boys would be counted, when he states on the floor of the Senate that he knows that such a provision would be unconstitutional.

Mr. McCLELLAN. I know it is unconstitutional, just as I know that taking away from the States the right to determine the qualifications of voters is unconstitutional. I put them both in the same category.

Mr. PEPPER. Mr. President, in my humble opinion, so far in the amendment of the pending bill in no single instance has the right of a State to prescribe the qualifications of electors been invaded or impaired. The Constitution provides, in section 4 of article I, that—

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or order such regulations, except as to the places of choosing Senators.

In my opinion, what the Congress is proposing to do is to exercise the authority conferred by that language in the Constitution. It has to do with the time and the manner of holding elections for Senators and Representatives. It does not say to the States, "The age limit of your electors shall be such and such; the educational requirements shall be such and such; the moral character requirements shall be such and such." It is proposing to legislate only in the field which is within the sphere of the Federal Government, with respect to the mechanics of holding the election. It is trying to preserve the essence of the right without being hampered by the impedimenta of a certain inapplicable technique.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURDOCK. Is not the real distinction between what the Green-Lucas bill would do if enacted, and what the amendment of the able Senator from Arkansas would do if enacted that in the Green-Lucas bill we are merely preserving a right which already exists on the part of the electors? We are not attempting to invade the rights of the States to fix the qualifications, or to confer the voting power on persons who have not that right today. What the Senator from Arkansas would do by his amendment is exactly the opposite of that for which he has been contending for several days. The amendment of the Senator from Arkansas would invade the rights of the States. All the Green-Lucas bill does is to preserve a right, whereas the amendment of the able Senator from Arkansas would create additional rights.

Mr. PEPPER. I could not have stated it so well as has the able Senator from Utah, who is jealous about States' rights.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McCLELLAN. Let me say to the Senator and to the country that I cannot place a distorted construction on the Federal Constitution so as to salve my mind and conscience on the basis which I have just heard stated. It is said that it is not proposed to tear down the Constitution. If that be true, why is there objection to stating in the bill that we are not taking away from the States the right to determine the qualifications of electors? The Senator refuses to let that be said implicitly and clearly so that it cannot be misinterpreted. Now he would try to place the other interpretation upon it.

Mr. PEPPER. Mr. President, we might have a difference of opinion as to what the word "qualification" means. Instead of using an ambiguous word, we have said in Public Law 712 very clearly that the State cannot deny the soldier who is absent in his country's defense the right to vote because he was not at home to register his name in a book, and because he was not there or did not have someone go there for him—and that is illegal in some places, I believe—to pay a sum of money for him.

Mr. President, those are two rational distinctions. The United States Government, the Congress, we in the Senate, largely kept those boys away from home so that they could not personally register. We kept them away from home generally so they could not personally pay their poll tax, or, if they paid it, we made it inconvenient for them to pay it, and, engaged as they were, in training or in waging a war, it is not unnatural that their minds were not concerned with the requirement of registering, or the date on which they had to register, or pay a poll tax.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TUNNELL. Is not the distinction which the Senator is making a distinction between the right and the opportunity? Does not the Green-Lucas bill

attempt to preserve or make an opportunity where there is a right?

Mr. PEPPER. It does. The Senator is exactly correct.

Mr. TUNNELL. The amendment of the Senator from Arkansas attempts to create a right.

Mr. PEPPER. The Senator is exactly correct.

Mr. TUNNELL. Which, he says, under the Constitution cannot be done.

Mr. PEPPER. The Senator from Delaware has made a very fair statement of the problem.

Mr. President, we of the bar in the Senate make a distinction between substantive and objective rights, between the substantive right in law and the objective right of procedural techniques by which those rights may be enforced. What we are getting at here, as was ably suggested by the Senator from Delaware, is to preserve the essential substantive citizenship prerogative of the soldier to vote, and where distance and other things have intervened we have tried to eliminate them so that the substantive right might be enjoyed by the soldier citizen.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DOWNEY. The distinguished senior Senator from Illinois, in his eloquent address earlier this afternoon on this subject, sought to sustain the constitutionality of the pending measure upon the very broad ground, as I understood—and I hope I quote him correctly—that in time of war the necessities of the Nation are so great that Congress may take any action which in its opinion is designed to increase the morale of the soldier. Placing the justification of the constitutionality of the law upon that ground, it must apply equally, it seems to me, to the soldier whether he is 18, 19, or 20 years of age. I should like to have the distinguished Senator from Florida express himself upon that point.

Let me add that when we are at war our Chief Executive serves in a dual capacity. He is President of the United States and Commander in Chief of the Army and Navy. One can well understand that the soldier who is 18 years of age would certainly have his morale increased if he knew he could join with his older companions in expressing his choice for the Chief Executive, who is likewise his Commander in Chief.

It certainly seems to me that if the senior Senator from Illinois was justified in his broad statement, that necessarily would apply, because there could not be any limitation then upon the power of Congress to do what it thought best to increase the morale of the soldier, and then there could be no limitation, whether he were 18 or 25 years of age.

Mr. PEPPER. Mr. President, the inquiry made by the able Senator from California is a very fair one.

In my opinion, it is a doubtful question legally, whether the war power, which I believe the Congress unmistakably to possess in time of war, would reach far enough to invade the right of the State by its constitution to fix the qualifications of its electors. There is a bare possibility that the exercise of such a power might be sustained by the courts. I could well understand the justification for such a decision by the courts, but it is reaching very far afield, and it is a very thin line, and a very nice distinction would be finally made in order to do that. I should prefer for us not to strain at our power unless the circumstances imperatively demanded it. If we faced a catastrophe, if we faced some great national disaster, then I am sure the exercise of such a power, although upon thin constitutional authority, would be sustained not only by the courts, but by public opinion. However, I believe that it is not wise for us to assert the very limit of our authority in this field when the necessity is not more overwhelming than it is as presented by the amendment of the able Senator from Arkansas. I prefer to keep the matter on the broader ground that what we are doing is removing the procedural impedimenta surrounding the exercise of the substantive right of the citizen, namely, his right to vote for public officials, State and national, and particularly national, so far as we are able to do so.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McCLELLAN. According to my understanding and interpretation of the Senator's answer to the able Senator from California, we have not reached such an emergency that we can strain a little further and allow a boy 18 years of age to vote. I wonder, Mr. President, when we are going to arrive at that point. We have reached such a point, such an emergency, that we are calling the boys by the millions to go onto the battlefield to die. Can anyone conceive of any greater emergency?

Mr. PEPPER. Mr. President, it is strange inconsistency for the able Senator from Arkansas to be so exercised about the votes of the boys 18 years of age and at the same time so persistently obstructing the pending bill, which is aimed at facilitating the right to vote on the part of those 21 years of age and above. It is a strange sympathy which he is expressing for a small minority of the whole number affected.

Mr. McCLELLAN. Mr. President, I do not regard two and one-half million as being a small number.

Mr. PEPPER. It is smaller than eleven and a half millions.

Mr. McCLELLAN. Certainly, but if the Senator would use the expression that I was overcome with a "sense of justice" instead of "sympathy," he would more correctly express my feelings.

Mr. PEPPER. Mr. President, it is surprising how spotty justice is when we see it through a glass, darkly.

It seems to me that what we should do is to limit the exercise of our authority to a proper case, and remove the obstacle in the way of soldiers voting, but leave it up to Florida to fix a minimum age of 21 years, and give Georgia the right, as the legislature of that State has done recently I understand, to prescribe that the citizen may vote if he is 18 years of age. That is qualification, Mr. President, within the meaning of the constitutional provision that the qualifications of electors shall be the same as those for the most numerous branch of the State legislature. They have changed the standard by changing the limits in the particular case of age requirement.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURDOCK. I wish to refer to the statement of the able Senator from Arkansas to see if I understood him correctly. If I did, he stated that, even if his amendment should be agreed to, he would still vote against the bill. Is that true?

Mr. McCLELLAN. I definitely stated it, because I am not knowingly going to vote for an unconstitutional measure.

Mr. MURDOCK. So I do not think the Senate needs to take too seriously the position of the Senator from Arkansas, that his sense of justice is outraged because his amendment might not carry, when he definitely tells us that, even if it did, he would not vote for the bill. There seems to be an inconsistency there, Mr. President, which the Senate cannot well ignore.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. McCLELLAN. I have never said my sense of justice was outraged.

Mr. MURDOCK. I so understood the Senator.

Mr. McCLELLAN. The Senator appropriated the words of the able Senator from Florida. I did say that, instead of him interpreting my motive as that of sympathy, he might more correctly state my position if he said that from a sense of justice I feel that if we are going to tear down the barriers for one we ought to tear them down for everybody in uniform.

Mr. TUNNELL. Mr. President, will the Senator from Florida yield to me? I should like to ask the Senator from Arkansas a question.

Mr. PEPPER. I yield.

Mr. TUNNELL. I understood the Senator to say he would not vote for an unconstitutional bill.

Mr. McCLELLAN. I said I would not knowingly do so.

Mr. TUNNELL. Would the Senator vote for an unconstitutional amendment to a bill?

Mr. McCLELLAN. I am going to vote for it as an amendment, and then I am going to vote against the final passage of the bill.

Mr. TUNNELL. But when the Senator votes for his amendment, is he not voting for something he says is unconstitutional?

Mr. McCLELLAN. I am going to vote for the amendment. It is unconstitutional; I said so; and then I shall vote to keep it from becoming a law along with the other unconstitutional provisions of the pending bill.

Mr. TUNNELL. But the Senator is going to vote for an unconstitutional amendment.

Mr. McCLELLAN. I am going to vote for it as an amendment to the bill, so that, if the Senate is going to override the Constitution of the United States, it will not do an injustice to and discriminate against two and a half million of our fighting boys.

The ACTING PRESIDENT pro tempore. The time of the Senator from Florida on the amendment has expired. He has 20 minutes on the bill.

Mr. PEPPER. I will take time on the bill and conclude.

Mr. President, I hope it will not be said by those who write the record of this time or by the soldiery of this Nation who are affected that it has appeared that the Senate has preferred to perpetuate State wrongs rather than to protect soldiers' and citizens' rights. I believe, Mr. President, that we can meet the challenge here without impairing a single substantive States' right. I believe that we should limit what we do so carefully that we shall not invade legitimate State privileges and prerogatives. I believe this bill as it goes thus far, and as Public Law 712 becomes a part of it, has not violated a single substantive States' right; and I am surprised that the able Senator from Arkansas, who has been such a steadfast defender of State prerogatives and immunities, should now suggest that we should actually violate the most fundamental of all States' rights, namely, the right to prescribe, in the conditions for the exercise of the franchise, the qualifications of the electors.

Mr. CLARK of Missouri. Mr. President, I was prepared last December to vote against the original Green-Lucas bill because I could not read that bill as it was originally brought before the Senate in any other way or give it any other effect than that it undertook to prescribe the qualifications of voters which I considered to be in plain violation of the Constitution of the United States. It was for that reason that in the consideration of the original Green-Lucas bill I voted for the Eastland-McClellan-McKellar substitute, not because I was satisfied with the efficacy of that substitute, but because, when the issue was drawn between that measure, which I considered constitutional, and the original Green-Lucas bill with its specifications of the qualifications of voters, I preferred to vote for a bill which I considered constitutional, inadequate though it might be, as against a measure which I considered plainly unconstitutional on its face.

I would not vote for the new Green-Lucas bill today, Mr. President, in the form in which I intend to vote for it, if I did not believe that the question of its constitutionality had been completely cleared up, more particularly by the provisions appearing on page 39 of the bill, giving the State authorities the right to pass on the validity of the ballot. I believe that this bill is constitutional and therefore I shall vote for it. Since I intend to vote for it, I do not intend to vote for any provision which would manifestly invalidate it.

Now, Mr. President, attractive as is the proposal advanced by the Senator from Arkansas, to allow boys below the age of 21 or below the age prescribed in the various States to vote, I would be unwilling deliberately to put into the bill an unconstitutional feature, because no one can gainsay that the question of the age of voters is plainly a qualification, and therefore is a power specifically reserved to the States by the Constitution of the United States.

Let me say, Mr. President, that I have always been in favor of provisions insuring that anybody who is old enough to bear arms on behalf of the Union shall be permitted to vote. If I had considered that the Federal Congress had the slightest right to enact such a provision I would have offered such an amendment to the original selective-service bill and to every measure which has come here to amend the selective-service law, and I know of other Senators who felt the same way; but we remained silent at that time because we did not believe the Congress under the Constitution had the slightest right to prescribe qualifications. In that connection, Mr. President, I may say that I have a boy in the United States Marines who would fall within the terms of this amendment. If I felt that I could vote for the amendment I most certainly would.

Therefore, I say today, Mr. President, that attractive as is the proposition of the Senator from Arkansas, to vote to include it in this bill is to vote clearly to invalidate the measure. No Senator who intends to vote for the measure on its final passage, no Senator who believes that the bill in its present form is constitutional, has a right to be moved by the sentiments expressed by the Senator from Arkansas and vote to invalidate the measure by making it plainly unconstitutional.

I desire simply to emphasize again, as the Senator from Florida said, the essential difference between the bill in its present form and the way in which it would appear if the amendment of the Senator from Arkansas were included.

The only justification for this type of legislation at all, the only reason that Congress has either any legal or moral right to legislate on this subject at all is simply to supply adequate machinery to restore to the men and women in the armed services the right and privilege of voting, of which they were deprived solely by reason of their military service. The proposition that Congress has the right to bestow on these soldiers or sailors, meritorious as it may be, any rights or privileges or qualifications of voters which they did not already possess cannot be justified. The whole justification for the measure is to put these men and women back in status quo, to restore to them the rights of which they have been deprived by reason of their entrance into the military service.

Therefore, Mr. President, I again urge that no Senator who believes that this measure is constitutional, no Senator who thinks that this is a justifiable measure for the purpose of restoring to these young men and women the rights of which their military service has deprived them, is justified in voting for even so attractive a proposal as that offered by the Senator from Arkansas, which he plainly admits would in itself invalidate the whole act.

I may say in conclusion, Mr. President, so far as I am concerned, that in my State a constitutional convention is now in session, and I hope very much indeed that a provision will be included in the new constitution to authorize anybody who is old enough to be in the military or naval service to vote. I hope that the Governor of Missouri will call a session to modernize our law in conformity with this bill and that such a provision as the present amendment will be included. I hope that the legislatures of the various States which are scheduled to meet will take a similar position, as some States have already done; but I do not believe that any Senator who intends to support this measure is justified in any degree whatever in voting for the amendment of the Senator from Arkansas.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the junior Senator from Arkansas [Mr. McCLELLAN].

Mr. WHITE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Bailey	Guffey	Reed
Ball	Gurney	Revercomb
Bankhead	Hatch	Reynolds
Barkley	Hawkes	Robertson
Bilbo	Hayden	Russell
Brewster	Hill	Shipstead
Brooks	Holman	Smith
Buck	Jackson	Stewart
Burton	Kilgore	Taft
Bushfield	La Follette	Thomas, Idaho
Butler	Langer	Thomas, Okla.
Byrd	Lucas	Thomas, Utah
Capper	McCarran	Tobey
Caraway	McClellan	Truman
Chandler	McFarland	Tunnell
Chavez	McKellar	Tydings
Clark, Idaho	Maloney	Vandenberg
Clark, Mo.	Maybank	Wagner
Connally	Mead	Wallgren
Danaher	Millikin	Walsh, Mass.
Davis	Moore	Walsh, N. J.
Downey	Murdock	Wheeler
Eastland	Murray	Wherry
Ellender	Nye	White
Ferguson	O'Daniel	Willis
George	O'Mahoney	Wilson

The ACTING PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the junior Senator from Arkansas [Mr. McCLELLAN]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the junior Senator from Nevada [Mr. SCRUGHAM] and vote "nay." I am not advised how the Senator from New Hampshire would vote if present.

The roll call was concluded.

Mr. McCARRAN. My colleague the junior Senator from Nevada [Mr.

SCRUGHAM] is absent on official business. If present he would vote "nay."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness. I am advised that if present and voting, he would vote "nay."

The Senator from Washington [Mr. BONE] is absent on official business.

The Senator from Colorado [Mr. JOHNSON] and the Senator from Montana [Mr. WHEELER] are detained in committee meetings. I am advised that if present and voting the Senator from Colorado would vote "nay."

Mr. WHITE. The Senator from Oregon [Mr. MCNARY] is absent because of illness.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from California [Mr. JOHNSON] are necessarily absent.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The result was announced—yeas 19, nays 67, as follows:

YEAS—19

Ball	Downey	Robertson
Bilbo	Eastland	Russell
Brooks	Ellender	Stewart
Bushfield	Langer	Thomas, Idaho
Capper	McClellan	Wherry
Carraway	O'Daniel	
Chavez	Reynolds	

NAYS—67

Aiken	Gurney	Pepper
Andrews	Hatch	Radcliffe
Austin	Hawkes	Reed
Bailey	Hayden	Revercomb
Bankhead	Hill	Shipstead
Barkley	Holman	Smith
Brewster	Jackson	Taft
Buck	Kilgore	Thomas, Okla.
Burton	La Follette	Thomas, Utah
Butler	Lucas	Tobey
Byrd	McCarran	Truman
Chandler	McFarland	Tunnell
Clark, Idaho	McKellar	Tydings
Clark, Mo.	Maloney	Vandenberg
Connally	Maybank	Wagner
Danaher	Mead	Wallgren
Davis	Millikin	Walsh, Mass.
Ferguson	Moore	Walsh, N. J.
George	Murdock	White
Gerry	Murray	Willis
Gillette	Nye	Wilson
Green	O'Mahoney	
Guffey	Overton	

NOT VOTING—9

Bone	Johnson, Calif.	Scrugham
Bridges	Johnson, Colo.	Wheeler
Glass	McNary	Wiley

So Mr. MCCLELLAN'S amendment was rejected.

Mr. BARKLEY. Mr. President, a few days ago in a colloquy between the Senator from Connecticut [Mr. DANAHER] and me it developed that there was no positive requirement that these ballots should be deposited in the ballot boxes as other ballots are deposited at the polling places. The Senator from New Mexico [Mr. HATCH] has prepared an amendment to correct that defect. Because of a cold he finds difficulty in articulating his brilliant thoughts, and so he has asked me to substitute for him. Therefore on his behalf I offer the amendment on page 39, in line 12, after the word "be", to insert "deposited in the ballot box by the appropriate election officers and", so that the sentence will read:

Votes cast under the provisions of this title shall be deposited in the ballot box by the appropriate election officers and canvassed, counted, and certified—

And so forth.

Mr. GREEN. Mr. President, I accept the amendment.

Mr. OVERTON. Mr. President, what is the purpose of the amendment? Is it to require the local officials to place the ballots in the ballot box under any consideration whatsoever?

Mr. BARKLEY. No. The election officials of course pass upon the ballots as they do any other ballots, but if the votes are to be canvassed by them as provided in the other language, the votes are to be deposited by them in the ballot box so that they are in the body of the votes cast. The election officials pass on the validity of the ballots even after they are placed in the box and when they begin to count them. That is what happens now with respect to all votes, and that is what would be done in this case. The proposal would not change the duty of the local election officers.

Mr. OVERTON. It would not affect the validity of the ballot, would it?

Mr. BARKLEY. No.

Mr. MALONEY. Mr. President, I should like to ask the majority leader how he thinks the amendment would affect those cities which do not have ballot boxes, where voting machines are used entirely.

Mr. BARKLEY. I suppose the same difficulty would arise regardless of this amendment. Whether the amendment is broad enough——

Mr. MALONEY. Does the amendment make provision for casting the ballot in places where voting machines are used? In cities of over 10,000 in our State we have voting machines.

Mr. BARKLEY. I can appreciate that difficulty; and in order to obviate it I would suggest that after the words "ballot box" the words "if available" be inserted.

Mr. MALONEY. I will not say what that might do, but I am only concerned with the cities in my State.

Mr. BARKLEY. The other day when we were talking about places where they have ballot boxes, and where it is required that the ballots be deposited in those boxes by persons who vote, the question arose as to what would happen to the ballots which were sent in by mail by the soldiers, unless it were also required that they be deposited in the same place.

Mr. MALONEY. Why not say "where ballot boxes are used", rather than "if available"?

Mr. BARKLEY. That would be satisfactory to me.

Mr. GREEN. The difficulty might be avoided if we simply used the word "cast." That would apply both to ballot boxes and voting machines.

Mr. BARKLEY. The word "cast" might be adequate to cover all the other language; and inasmuch as the Senator from New Mexico was concerned about this amendment, I should like to have his judgment.

Mr. GREEN. I take it the word "cast" has both significations. It has the broad signification covering all the media. However, if used in connection with "canvassed, counted, and certified," it would mean deposited in the ballot box.

Mr. BARKLEY. I have no objection to modifying the amendment in the manner suggested—that is, after the word "be", in line 12 on page 39, to insert the word "cost", which would carry with it the same requirement of deposit, whether in the ballot box or any other method that might be used. So I modify the amendment accordingly.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Kentucky on behalf of the Senator from New Mexico.

The amendment, as modified, was agreed to.

Mr. FERGUSON. Mr. President, at this time I desire to offer to the bill an amendment, which has been printed and is on the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 29, after line 8, it is proposed to strike out the following:

OFFICIAL FEDERAL WAR BALLOT

Instruction: To vote, write in the name of the candidate of your choice for each office or write in the name of his political party—Democratic, Republican, Progressive, or other.

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(A vote for President includes a vote for Vice President of the same party)

Write in the name of your choice for President or the name of his party _____

UNITED STATES SENATOR

(Only if a Senator is to be elected in your State)

Write in the name of your choice for Senator or the name of his party _____

REPRESENTATIVE IN CONGRESS FOR YOUR DISTRICT

Write in the name of your choice for Representative in Congress for your district or the name of his party _____

REPRESENTATIVE AT LARGE IN CONGRESS

(Only in the States entitled thereto)

Write in the name or names of your choice for Representative at Large or the name of his party _____

_____

(Vote for 1 or 2 as the case may be)

And to insert in lieu thereof the following:

OFFICIAL WAR BALLOT

Instruction: To vote, write in the name of the candidate of your choice for each office.

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(A vote for President includes a vote for Vice President of the same party)

Write in the name of your choice for President _____

UNITED STATES SENATOR

(Only if a Senator is to be elected in your State)

Write in the name of your choice for Senator _____

REPRESENTATIVE IN CONGRESS FOR YOUR DISTRICT

Write the name of your choice for Representative in Congress for your district _____

REPRESENTATIVE AT LARGE IN CONGRESS

(Only in the States entitled thereto)

Write in the name or names of your choice for Representative at Large _____

(Vote for 1 or 2 as the case may be)

On page 30, lines 1 and 2, it is proposed to strike out the words "A vote by party designation shall be deemed to be a vote for the candidate of that party by name."

On page 30, line 7, it is proposed to strike out the words "or his political party" and strike out the words "or party."

Mr. FERGUSON. Mr. President, we have heard much discussion on the floor in relation to the nature of the proposed ballot. I wish to assure the Senate that my amendment is not offered for the purpose of killing the bill or in any way interfering with the right of the soldiers to vote. I have been a firm advocate of the Federal ballot because I believed it was one of the means by which we could permit the soldier to express secretly his intention when he votes for candidates. But I am also of the opinion that the bill would be improved if it should allow the soldier to vote not only for Federal candidates for office but also for State candidates. I have believed that the bill was constitutional because I felt that it did not create anything other than a ballot the validity of which is to be determined by the States except in two respects; one the poll tax and the other registration.

I have no quarrel with anyone who believes the bill to be unconstitutional. I take the stand that it is constitutional in that it does not interfere with State voting, because neither the requirement of registration nor the requirement of payment of the poll tax are qualifications which this body cannot act to override. If they were qualifications, then under the Constitution of the United States the bill would be unconstitutional.

I merely wish to say that in my opinion we are attempting to create machinery by which we can convey to the soldiers at the front a means by which they may secretly state their intentions on a ballot which will be returned to the States so that the States may count them. I am of the opinion that the amendment I have proposed goes to the real merits of the question. The bill now provides that a man may vote by merely designating in the proper place the name of a political party; he need not know who are the candidates of the party. He may not even find out who the candidates are, but he will be able to vote. I do not believe that is the democratic way of voting. The bill as now amended by the amendment of the Senator from Rhode Island provides that—

> Wherever practicable and compatible with military operations, the appropriate commanding officer shall be required—
>
> (1) to cause lists of candidates to be posted and otherwise made available at conspicuous and convenient places and to cause copies of explanations of voting procedure and all other necessary information to be furnished to members of his unit and civilians attached to and serving with such unit and entitled to vote under this title.

Mr. President, under the laws of some of the States the election officials would be required to throw out such a ballot, because the State laws make no provision for voting for a party alone. I am advised, and believe it to be true, that Minnesota is one such State. Wyoming is a State in which it is impossible to vote by party name. I think we should make the Federal ballot the best possible ballot. The only thing the amendment I propose would do would be to require the voter, if he desired to vote for anyone on the ballot, to insert the name of a candidate, instead of merely writing in the name of a party.

We are requiring the Army and the Navy to transmit information as to who the candidates are. Should we not give to the men who are to vote for these important offices the names of the candidates, as well as the designations of the parties? Under the amendment I propose, it would be impossible to vote by merely designating the party name. While I am a firm believer in the two-party system, I also believe that in combination with the two-party system the soldiers and all other persons are entitled to know the names of the candidates for whom they are about to vote.

I do not think any long discussion of the matter is required. Each of us can see at a glance what we are attempting to do by the amendment. The amendment would merely require a voter who wished to vote for a candidate to insert the candidate's name at the proper place. Why do I say that is material? For instance, we are asking men to vote for Representatives at Large. Many of the States of the Union do not have Representatives at Large. If all voters were required to write in the names of the candidates, they would go to the list required to be furnished them, and find that they were not to fill in any name there. Only 33 States, for instance, have elections for Senators this year, but under the bill without my amendment we would be asking the men to vote blindly for the party, instead of looking to see who was the candidate for the Senate.

So Mr. President, I offer the amendment because I believe it will help the bill. It will be a means of bringing to the soldiers who are fighting for us at the battle fronts a real ballot by means of which they will be able to express their opinions secretly, and give their best judgment; and their ballots will be counted as they desire them to be.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Michigan [Mr. FERGUSON].

Mr. FERGUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GREEN. Mr. President, of course I am glad to give earnest consideration to the amendment proposed by the Senator from Michigan because he has been of great assistance in connection with the amendments which have been offered. I regret that I cannot agree with him as to the advisability or fairness of his amendment. Every precaution has been taken and every necessary provision has been made in the bill in order to provide the members of the armed forces with information about the election, especially the names of the candidates. But in discussing this matter the question always arises, How are we to get this information to all those who have the right to vote under the bill, when we consider that they are scattered all over the world, and when we also consider that the names of the candidates sometimes are changed, for various reasons, such as death, substitution, declination, and so forth? Consequently, it seems to me that in a great many cases, unfortunately, the voters would not know the names of the candidates. It would also seem that the penalty for not knowing the names of the candidates would be too great, inasmuch as the voter would not be able to vote at all unless he knew the names of the candidate for whom he desired to vote. There might be a substitute for the candidate originally nominated, for instance, or there might be various other reasons why the soldier could not know the candidate's name. Rather than to deprive the voter of his vote it would be better to let him write in the name of the party.

Mr. LUCAS. Mr. President, I should like to say a few words in addition to what the Senator from Rhode Island has said with respect to the amendment. I, too, have the greatest respect and confidence in the ability of the junior Senator from Michigan. He has been of tremendous help to the committee from the time when we started writing this measure up until now; and it is with deep regret that I find I cannot go along with him by agreeing to accept the amendment.

In addition to what the Senator from Rhode Island has said, I should like to point out one or two other reasons why we cannot accept the proposed ballot. This is not the first time this question has been considered. The form of the ballot was one of the very difficult problems the committee had to solve. After a number of suggestions, we finally accepted the ballot suggested by the Honorable Frederic W. Cook, who is the Republican secretary of state of Massachusetts, and is as fine a gentleman as I have ever met in my life. That ballot was proposed to the secretaries of state in convention in the city of St. Louis, and later it was brought to the committee by Mr. Cook, as a representative of that Nation-wide organization; and the committee accepted that ballot.

Mr. President, in the State of Illinois, for example, a voter may get his ballot and go into the booth, and all he has to do to vote a straight Democratic or Republican ticket is to place a cross in the large circle above the names of all the candidates. He does not have to write in the names of candidates.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TOBEY. Does not the Senator think that that is a grievous error? After all, would it not be far better to stimulate a man's thought in the matter of selecting the candidate for whom he is to vote?

Mr. LUCAS. I appreciate that there is much to be said on the question of education of the people with respect to political candidates.

Mr. TOBEY. That was the thought I had in mind.

Mr. LUCAS. That is one of the most difficult things. I dare say that many a Senator has gone into the election booth

in his home precinct, in a State and National election, and, looking at the long list of candidates, has seen many names that he has never heard of, and yet he votes for such candidates. He does not know the background of the individuals, or much about them. The straight Democratic or Republican ticket is voted without writing in the name of anyone. I will admit that the names of the candidates are printed on the ballots, and that voters can see them if they wish.

In addition—and this seems to me to be one of the reasons why we should not accept this amendment—in the State of Illinois, as in many other States, a voter who cannot read or write has the right of franchise. That voter is taken into the booth and is permitted to vote the way he wants to vote. The judges make an affidavit that they have done their duty in line with what the State requires with respect to that kind of a voter, and his ballot is counted.

It seems to me that we are a little harsh on the soldiers, sailors, and marines when we compel them, far away, to write in the names of their choices for President and Vice President, Senators, and Representatives, while we let illiterates at home cast a ballot by someone witnessing their mark. Then again the lists of candidates sent over may find their way to the bottom of the ocean. A man may be out on field duty somewhere, where he cannot have an opportunity carefully to study the names of the candidates from lists printed and sent to the various commands throughout the world.

In other words, we get back again to operating as simply and uniformly as possible in this great emergency. Are we to compel those men to do things which they should not be compelled to do, or are we to make it as easy to vote as we possibly can, with this type of ballot? That seems to me to be a practical consideration.

I agree with the Senator that it would probably be better to educate voters with respect to political candidates if that could be done; but many an individual will not have an opportunity to vote, or to have his ballot counted, if he is compelled to write in the names of his choices for President, Vice President, Senator, and Representative. It may be that under the primary laws in some States those lists of names will not arrive in time; and yet he may know that he wants to vote the Democratic ticket or the Republican ticket. Or he may wish to vote the Republican ticket for President and the Democratic ticket for Members of Congress. Under the type of ballot proposed in the Green-Lucas bill he could do so; under the other form of ballot he could not. I submit, in all sincerity, that we should not adopt this amendment, much as I dislike to oppose my very good friend from Michigan.

Mr. TAFT. Mr. President, the amendment offered by the Senator from Michigan was included in the general amendments which some of us offered, and which were just voted upon. It seems to me so logical that I can hardly see how any Senator could vote against it.

After all, it proposes that the voter must vote by name. If he wishes to vote for a particular candidate, he must take the trouble to find out the name of the candidate. That certainly is a logical requirement. To be able to vote a straight Democratic or Republican ticket is nothing in the world but a Gallup poll. Every good government league in the United States has for years been trying to eliminate the influence of party, and has been contending that men should be elected because of their own character and their own records. A man who is unable to find out even who is running for the House from his district or for the Senate from his State certainly is not qualified to decide as between those who are running. He may not even know what parties are nominating candidates in his district. In some States the Democrats may not nominate a candidate at all.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. LUCAS. Has the Senator ever voted for a candidate in his State without knowing the background of the candidate, or anything about him?

Mr. TAFT. I may have; but I have never voted for a candidate whose name I did not know, because the name was on the ballot when I voted for him.

Mr. LUCAS. The fact that the Senator saw the name may not have meant anything. The Senator may not have known anything about the candidate or his background; yet the Senator has no doubt done as I have done, and voted for such candidates.

Mr. TAFT. That is possibly true with respect to candidates for township trustee. I think it is not true with respect to any candidate for a county office for whom I have ever voted; and I know it is not true of any candidate for the House of Representatives or the Senate. After all, we are considering candidates for the House and the Senate. I never have voted for any such candidate without knowing something about him and about his character.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. OVERTON. According to the newspapers, the President made the observation the other day that he would find it very difficult to know how to vote for his Representative unless he knew how his Representative had voted. A fortiori, would it not be much more difficult to vote for a Representative if the voter did not even know who the Representative was?

Mr. TAFT. It certainly would be. Incidentally, such a ballot would have the ridiculous effect of having many millions of votes cast for Democratic or Republican candidates for Senator in States in which no Senators were being elected at that election. The voter would not know whether a Senator was being elected in his State at that election or not. Millions of votes would be cast for nonexistent Representatives at large if the voters could vote by party; but, of course, if the voting must be done by name, and the voter must find out the name of the candidate, he will find that there is no such candidate. He will not be able to find the name of a candidate running for such an office. It seems to me that the whole ballot proposed in the bill is utterly and completely illogical.

Mr. TUNNELL. Mr. President, will the Senator yield,

Mr. TAFT. I yield.

Mr. TUNNELL. What does the Senator think would be the result if a boy from the State of Maryland should write in the name "TYDINGS," assuming that the Senator from Maryland is a candidate this year. Suppose he should write in the name "TYDINGS." Perhaps 9 boys out of 10 could not write in the full name of the candidate. Suppose a boy from the State of Maryland should write in the name "TYDINGS" or suppose a boy from the State of Ohio should write in the name "TAFT."

Mr. TYDINGS. If he writes in "TYDINGS" his vote will be counted in Maryland. [Laughter.]

Mr. TUNNELL. What would be the result in some States? Is that considered a name?

Mr. TAFT. I do not understand the question.

Mr. TUNNELL. If only the last name is written in—for example in the case of a boy from the State of Ohio, if the name "TAFT" should be written in, or the name "Johnson," or whatever it might be——

Mr. TAFT. The vote would be counted, would it not?

Mr. TUNNELL. Would it be counted?

Mr. TAFT. Let me refer the Senator to page 30, line 5, of the bill. The language is as follows:

> No ballot shall be invalid by reason of mistake or omission in writing in the name of the candidate or his political party where the candidate or party intended by the voter is clearly identifiable.

I maintain that if the name "TYDINGS" is written in, there is only one TYDINGS, and there is no question whatever about the identification.

Mr. TUNNELL. Mr. President, I have another question. I was afraid that there might be a little discrimination in favor of the President of the United States if this form of ballot were used. Does not the Senator think that more boys know the name "Roosevelt" than any other name? Does not the Senator think it would be easier——

Mr. TAFT. I think we Republicans will have a difficult time in reaching the boys abroad, but I think we will reach them, so that they will know the name of the Republican candidate. [Laughter.]

Mr. TUNNELL. The Senator is willing to take that chance.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BARKLEY. The last remark of the Senator from Ohio discloses a lingering hope, perhaps, that the well-known name of TAFT may be on the ballot. [Laughter.]

Mr. TAFT. No; I can assure the Senator that there is no such hope.

Mr. BARKLEY. I should like to ask the Senator from Ohio, and also the Senator from Michigan, a question. It seems to me that this amendment would give a decided advantage to the sitting Member, whoever he may be. A man who had been in the Senate or in the House for many years, and whose name was well known over the State, would, no doubt, have an advantage over an unknown candidate.

Mr. TAFT. In the colloquial language, my answer would be "so what?"

Mr. BARKLEY. The reason I propounded the inquiry is that I was wondering if the Senator would not concede that a sitting Member in either House of Congress would have an advantage.

Mr. TAFT. I do not think he would have any more advantage than he already has. A sitting Member has an advantage. He has a record and his name is known. He should have that advantage. I see no reason why he should not have it on this ballot as he has it on the ballot at home.

Mr. BARKLEY. How about the soldier who might not want to vote for any of the nominees? Assume that in Ohio the nominees were, TAFT on one ticket and Brown on another ticket. Of course, the Senator from Ohio being the only TAFT, as the Senator from Maryland is the only TYDINGS, we would naturally suppose that a ballot marked "TAFT" would be counted for him. But, suppose that the nominee of another party should be Brown, or Johnson, and the soldier did not know his initials, but simply wrote in "Brown", or "Johnson." There are many Johnsons and many Browns in all the States. Would that automatically and ipso facto be regarded as a vote for the man on the ticket, or would it be regarded as an exercise of the right enjoyed by most voters in all States, to write in some name other than that of the nominee?

Mr. TAFT. Interpreting the language which I have read, I would say that if there were only one Johnson on the ballot it would be a vote for him. If there were two Johnsons running, I believe the vote would be invalid.

Mr. BARKLEY. Yes. That does not happen frequently.

Mr. TAFT. It sometimes happens.

Mr. BARKLEY. It sometimes happens. Unless the soldier or sailor knew the official name as printed on the ballot the election officers would not know which one of the Johnsons for whom to count that vote. That might not occur very often.

Mr. TAFT. That is true, but it would also be true whether we adopted this amendment or not, because even under the amendment reported by the committee the soldier could vote by name. So it has nothing to do with the question of this amendment.

Mr. BARKLEY. He can vote by name, but he is not required to do so. Under this proposal he would be required to vote by name.

Mr. TAFT. That is correct.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MALONEY. I am sorry that I was absent from the Chamber when the statement was made by the Senator, and during the ensuing colloquy. I am anxious to know under what circumstances a ballot would be invalid. Let us suppose, for example, that the soldier writes in the name of the President and fills in no other name. That ballot would be valid, of course, would it not?

Mr. TAFT. For President, of course, it would be valid.

Mr. MALONEY. If any of the other blanks were filled in with the names of candidates would the ballot be valid?

Mr. TAFT. Yes; it would be valid. The language which I read makes it clear that if the candidate whose name is written in is identifiable, the ballot will be counted. It does not have to be the full name, or meet any other particular specification. So long as it is identifiable as the name of one of the candidates for the office, the ballot would be valid.

Mr. MALONEY. May I ask if one of the principal purposes of the amendment is to make certain that the voter will fulfill the obligation of his oath by voting for only those whose names he knows?

Mr. TAFT. That is correct. It eliminates the possibility of voting by party when the voter does not even know the names of the candidates running for the office.

Mr. MALONEY. And there is no need that he know the names of the electors?

Mr. TAFT. Oh, no. The voter votes for the candidate for President, and a vote for the man who is named as a candidate carries with it a vote for all the electors in his State. I may say that in the State of Ohio today we have no names of electors on the ballot.

On our official ballot we have only the name of the Presidential candidate, and the law provides that a vote for a candidate by name shall be counted as a vote for all the electors who are nominated by their names being filed in a certain way.

Mr. MALONEY. It seems to me that this ballot would provide a distinct advantage for sitting office holders, whoever they may be. However, I hasten to add that I do not see any good reason for opposing the amendment, because I cannot understand how a man can vote intelligently if he does not know the names of the candidates.

Mr. BARKLEY and Mr. FERGUSON addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio yield, and if so to whom?

Mr. TAFT. I yield first to the Senator from Kentucky.

Mr. BARKLEY. I wish to ask both the Senator from Ohio and the Senator from Michigan a question so that they may have it in mind.

The amendment of the Senator from Michigan does not require that the names of the candidates be printed on the ballot.

Mr. FERGUSON. That is correct.

Mr. BARKLEY. The ballot itself conveys no information to the voter as to the identity of the candidates.

Mr. FERGUSON. That is correct.

Mr. BARKLEY. Then he must know from other sources whether anybody is running, or who is running. What is the Senator's remedy for that situation, in the absence of any authority or ability to propagandize, from which we have all tried to shield the soldier in this legislation? How is information to be conveyed to him as to who is running, what his record is if he has been in office, or what he stands for if he has not been in office? What is the Senator's idea about that?

Mr. FERGUSON. The bill itself, as proposed to be amended by the Senator from Rhode Island, provides that it shall be the duty of the Army and Navy and those in charge of the armed forces to cause lists of candidates to be posted and otherwise made available at conspicuous and convenient places, and to cause notice of explanation of voting procedure, and all other information, to be furnished to the members of his unit and civilians attached to and serving in such unit, and entitled to vote under this title.

If that means what it is said to mean, that we are to send out these lists, I can see no reason at all, when our primary elections are held at the latest in September, why the men at the front could not learn the names by radio. The names could be printed at the front, posted on bulletin boards, and furnished to the men, giving information as to who is running for a particular office.

It has been said that a sitting Member whose name is well known in the community would have an advantage. He would have an advantage, provided his record was such that the people wanted to return him to office. If he did not have such a record, then I take it for granted that the people would not return him, and some other citizen of the State, whose record indicated that he would make a better Member of one of the two Houses of Congress, or in the Executive chair, might be the one for whom the voter would vote.

Mr. BARKLEY. Mr. President, will the Senator yield further to me?

Mr. TAFT. I yield.

Mr. BARKLEY. That would undoubtedly be true, especially among those in position to know the record of the incumbent officers, or those contesting their election. But as I understand, the mere preparation of a list of candidates, to be posted by the Army officers in the field, would carry no information with regard to the record of the candidate, whether good or bad. It may be that some of us here would be at a disadvantage by reason of being too well known.

That is a chance which we must take. However, no information would be carried to the soldier, who might be busy on the front, as to a candidate's voting record, what he stood for, what he has been opposed to, or what his opponent stands for. All the soldier would have would be a list of the candidates which would convey no information to the voter as to whether he should vote for the candidate or not.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. FERGUSON. I should like to answer the question in this way: Are we going to ask the men who are fighting to vote blindly for a party? Are we going to say to a man that, because he may feel that the party had done a particular kind of a job, he should hold every candidate of the party responsible for its conduct? That is what we would be asking those men to do.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Illinois.

Mr. LUCAS. Under the ballot proposed in the bill the soldier would have an opportunity to vote either the Republican or Democratic ticket. He could vote the Republican ticket for President and the Democratic ticket for Members of Congress by writing in their names or the name of the party.

The Senator has spoken about blind voting. I will say that, so far as my State is concerned, there is more blind voting when people vote the straight ticket. That is the common argument which has been made by both sides in every campaign in my State. Voters see on the billboards the appeal to "vote it straight." So far as Illinois is concerned, I am not willing to make the soldiers subscribe to any different kind of a law than they are accustomed to following at home. Millions of votes are cast in Illinois in every general election on that theory. The voters do not know for whom they are voting when they vote the straight ticket.

Mr. TAFT. Mr. President, I do not know why we should follow the State of Illinois. Neither Massachusetts nor Maryland permits party lines on the ballot. The voter is furnished with a ballot which simply contains the names of candidates and information as to which party the candidate belongs.

Mr. LUCAS. The point I am making, since the Senator has raised the question, is that this ballot came from Massachusetts. It came from the secretary of state of Massachusetts, who is a Republican. This question caused us more trouble than any other single thing. We went over and over it to determine the type of ballot we should have. Candidly, I think this amendment would help the Senator from Illinois, assuming that I am to be a candidate again. The amendment offered by the Senator from Michigan would undoubtedly help me if I were a candidate. But I still believe that, for all intents and purposes, the ballot we have is the best ballot we can get under the circumstances.

Mr. MALONEY, Mr. McCLELLAN, and Mr. PEPPER addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio yield, and if so, to whom?

Mr. TAFT. I yield first to the Senator from Connecticut. I understand I still have time on the amendment.

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes left on the amendment.

Mr. MALONEY. Mr. President, I want to ask the sponsor of the amendment a question, if I may. The amendment provides, as I understand, for writing in the name of a Senator, and there is a blank therefor. What would be done if two Senators were running?

Mr. TAFT. That seems to be an omission which the Senator from Illinois has not provided for in the original bill, and that probably should be remedied; but it is just as much a fault of the original bill as it is of the amendment.

Mr. MALONEY. I should like to ask the author to take steps to make the necessary correction.

Mr. TAFT. To make provision in case two Senators are running in any State.

Mr. MALONEY. I do not know that there are now, but it is quite possible there may be.

Mr. McKELLAR. Mr. President, I desire to ask a question if I may. Is the short ballot which is proposed by the bill similar to or exactly like that of the State of New York, under which a supreme court judge by the name of Aurelio, as I recall, was elected? Is it the same kind of short ballot which was used in that instance?

Mr. FERGUSON. Mr. President——

Mr. TAFT. I yield to the Senator from Michigan.

Mr. FERGUSON. If we leave the bill as it now stands, it will be the same kind of a ballot, but if we change the bill as proposed by this amendment such a thing could not happen. That is a very good argument why the soldier should write in the name so that he would not be voting blindly for a party candidate. I know of no State that for a moment would have a ballot such as is proposed by the bill, so that a soldier could vote an absolutely blank ballot by merely writing in the name of a party.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. TAFT. I yield to the Senator from Tennessee.

Mr. McKELLAR. As I recall, the Senator from Michigan said that no State would have a ballot like the proposed ballot in the Green-Lucas bill. If that is so, how in the name of heaven did the Senator get his consent to vote for such a provision today?

Mr. FERGUSON. I might answer the Senator by saying that I did not.

Mr. McKELLAR. Oh, yes; the Senator voted against the Taft amendment, as I remember, which would have cured that defect.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. FERGUSON and Mr. DANAHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. FERGUSON. I should like to answer the question. There were other things in the Taft amendment which are not in this particular amendment. I do not consider that I am inconsistent at all. I believe that this amendment would help this bill and make it a better bill.

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Connecticut?

Mr. FERGUSON. I yield.

Mr. DANAHER. There is a question I should like to ask any Senator who is familiar with the proposed amendment to undertake to answer. I understand that in the State of New York the electors must vote for candidates individually. If the ballot provided in the Lucas-Green bill comes back to New York and the officials there, under section 14 of the Lucas-Green bill, are to be the judges as to whether or not the ballot, indeed, is to be received, and there should be thrown out, on the ground that they failed to comply with the New York law, 800,000 or 900,000 or, perhaps, 1,000,000 ballots, which, conceivably, might control the result of the election in the great State of New York, thereafter the electoral vote of New York might be thrown into contest in the Congress, and, to go further, Mr. President, there might be individual election contests in the House of Representatives for every single Representative from the State of New York, as well as the candidate for Senator from the State of New York, in which event the election contest would be thrown into this body. I should like to know whether or not the Senator has given any thought to the possibility of such a situation and if he chooses to express an opinion on the hypothetical case I suggest.

Mr. FERGUSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Michigan? The reason the Chair asks the question is that the time of the Senator from Michigan has been exhausted.

Mr. DANAHER. I am happy to yield to the Senator from Michigan to have the question answered and to any other Senator who may choose to comment on the hypothetical question.

Mr. FERGUSON. If the Senator will yield, I am not familiar with the New York law as to whether or not the requirement is to vote for a candidate; but it appears to me that if that is the law there, as it is the law of some States, then that vote would be void because the intent of the voter as expressed in the law, and as now expressed in this bill, could not be ascertained and it would be void.

I have before me a New York ballot and there is no place on the ballot for voting by party; that is, for a party vote.

Mr. DANAHER. Mr. President, may I interrupt the Senator long enough to say that is my understanding, and I understand further that every single candidate must be voted for separately under the New York law. I think I am correct about that.

Mr. TAFT. Not every elector.

Mr. DANAHER. Not every elector. I am talking now about every candidate for Congress, every candidate for Senator, and Presidential candidates. What

would be the effect on the whole election if eight hundred or nine hundred thousand or perhaps a million votes of State of New York absentees should be thrown out because of the use of the Federal ballot?

Mr. FERGUSON. The chances are it would throw the election itself into Congress in that particular State.

Mr. DANAHER. And throw many election contests into the House of Representatives.

Mr. FERGUSON. That is correct.

Mr. DANAHER. And would the sitting Representatives continue in office while the election contests were being decided? I assume all these questions have been gone over in the mind of the Senator.

Mr. FERGUSON. I know of no provision in the law that would enable a Representative in Congress to hold over until his successor is elected. His term is for 2 years and his term ends at the expiration of the 2 years. There is no provision for holding over as there is under some State laws.

Mr. DANAHER. The Senator certainly is perfectly correct, but I was approaching the question from another angle.

Mr. McKELLAR. Mr. President, I should like to ask a question. I am afraid the Senator misunderstood me. I think his amendment makes for greater honesty and integrity in elections, and for that reason, notwithstanding the previous votes of the Senator from Michigan, I expect to vote for his amendment. I shall vote against the bill because I think it is unconstitutional; but the Senator's amendment is certainly most proper, and I hope the Senate will agree to it.

The PRESIDING OFFICER. The question recurs on the amendment of the junior Senator from Michigan [Mr. FERGUSON].

Mr. THOMAS of Oklahoma. Mr. President, I should like to make an observation, and then direct an inquiry to the junior Senator from Michigan.

It has been my experience that the general public is not too familiar with names, and likewise not too familiar with elections and candidates who run at election time. It has been my custom to give the boys who wish to go to West Point and Annapolis a civil-service test. In the last test I gave one of the questions was, "Who was in command of the American forces at the battle of Manila Bay?"

The particular boy who made the highest grade had a percentage of 99.3. He missed that question. If he had said "Dewey," he would have made 100 percent. If he had said "Admiral Dewey," he would have made 100 percent. If he had said "George Dewey," he would have made 100 percent. I have asked some of the Senators sitting around me here if Admiral Dewey had a middle initial in his name, and none of them seemed to know.

The boy to whom I have made reference, in answering the question about the commanding officer at the Battle of Manila Bay, wrote in the name "Thomas E. Dewey" [laughter], and the Civil Service Commission marked the answer incorrect.

Now suppose we apply that situation to the pending question. Suppose ballots were returned in accordance with the amendment of the junior Senator from Michigan, and the voters in Australia, or wherever else they might be, should happen to write in "Admiral Dewey," or "George Dewey," or some other Dewey. What would be the verdict of the canvassing board with respect to those ballots?

Mr. FERGUSON. If the Senator will yield so that I may answer his question——

Mr. THOMAS of Oklahoma. I yield to the Senator to answer in my time.

Mr. FERGUSON. On page 30 of the bill is this provision:

> No ballot shall be invalid by reason of mistake or omission in writing in the name of the candidate or his political party where the candidate or party intended by the voter is plainly identifiable. Where, because of any defect in marking, a ballot is held invalid as to any particular candidate for office, it shall remain valid as to the other candidates for office.

If the voter were required to write in the word "Democratic" and he did not know how to spell that word we would have the same situation. The amendment would make the ballot to which the Senator refers a good ballot for Dewey, if he were running for President, even if the voter had the initial wrong, or even the first name.

I have had occasion at times to try contested election cases involving a similar provision of State law, and I felt that it was my duty, as a judge, first to look at the intention of the voter. That is why this provision is in the bill, to ascertain the intention of the voter.

Mr. THOMAS of Oklahoma. Mr. President, it is my judgment, based on a good many years' experience, that if we require the voter to write in the names, they will write in the names of the candidates about whom they are sure, and they will leave vacant the spaces relating to candidates about whom they are not sure. That will mean that while there may be many votes for President, but very few votes will be cast for Senators and Representatives.

Mr. MALONEY. Mr. President, I wish to take just a moment, if I may, to ask the Senator from Michigan a question. I shall not press it now, because I assume that if the amendment shall be adopted the question of provision for choice of two Senators will be worked out in conference.

Mr. FERGUSON. That is correct.

Mr. MALONEY. I am assuming that if the bill shall be passed and goes to conference, the same situation will result as to this amendment.

Mr. FERGUSON. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the junior Senator from Michigan [Mr. FERGUSON]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the junior Senator from Nevada [Mr. SCRUGHAM], and will vote. I vote "nay."

The roll call was concluded.

Mr. McCARRAN. My colleague the junior Senator from Nevada [Mr. SCRUGHAM] is absent on official business. If present, he would vote "nay."

Mr. WAGNER (after having voted in the affirmative). I have a general pair with the Senator from Kansas [Mr. REED]. I transfer that pair to the Senator from Montana [Mr. MURRAY], and let my vote stand. I am not advised how either Senator would vote if present.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness. I am advised that if present and voting the Senator from Virginia would vote "nay."

The Senator from Montana [Mr. MURRAY] is detained in a committee meeting.

Mr. WHITE. The Senator from Oregon [Mr. McNARY] is absent because of illness.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from California [Mr. JOHNSON] are necessarily absent.

The Senator from Maine [Mr. BREWSTER], the Senator from Kansas [Mr. REED], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from New Jersey [Mr. HAWKES] is unavoidably absent from the Senate due to an appointment with Gov. Walter E. Edge, of the State of New Jersey, for the purpose of discussing the soldiers' vote.

The result was announced—yeas 39, nays 45, as follows:

YEAS—39

Aiken	Gillette	Robertson
Austin	Gurney	Shipstead
Ball	Holman	Taft
Brooks	La Follette	Thomas, Idaho
Buck	Langer	Tobey
Butler	McKellar	Tydings
Byrd	Maloney	Vandenberg.
Capper	Mead	Wagner
Connally	Moore	Wheeler
Danaher	Nye	Wherry
Davis	Overton	White
Ferguson	Revercomb	Willis
Gerry	Reynolds	Wilson

NAYS—45

Andrews	Ellender	Millikin
Bailey	George	Murdock
Bankhead	Green	O'Daniel
Barkley	Guffey	O'Mahoney
Bilbo	Hatch	Pepper
Bone	Hayden	Radcliffe
Burton	Hill	Russell
Bushfield	Jackson	Stewart
Caraway	Johnson, Colo.	Thomas, Okla.
Chandler	Kilgore	Thomas, Utah
Chavez	Lucas	Truman
Clark, Idaho	McCarran	Tunnell
Clark, Mo.	McClellan	Wallgren
Downey	McFarland	Walsh, Mass.
Eastland	Maybank	Walsh, N. J.

NOT VOTING—11

Brewster	Johnson, Calif.	Scrugham
Bridges	McNary	Smith
Glass	Murray	Wiley
Hawkes	Reed	

So Mr. FERGUSON's amendment was rejected.

Mr. BARKLEY. Mr. President, I had hoped, and I think a majority of the Senate had hoped, that we might dispose of the pending legislation today in order to avoid a session tomorrow. Earlier in the day I asked that the House amendments to Senate bill 1285 be printed and numbered so that we could know what they were. I am advised that the amendments, printed according to that request, will not be available until tomorrow. For that reason I regret to announce that it will be necessary for us to hold a session tomorrow in the effort to dispose of this legislation. I am sure all Senators realize the desirability of disposing of it at the earliest possible date, because other important legislation is awaiting our attention. I therefore ask Members of the Senate to be available for a session tomorrow so that we may make all the progress possible.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. Is it the majority leader's intention to move for a recess at this time?

Mr. BARKLEY. Not necessarily. I did not have that in mind. I simply wanted to advise the Senate that a session tomorrow would be necessary.

Mr. OVERTON. There will be no final vote on the bill tonight, then?

Mr. BARKLEY. Not necessarily. I am hoping that we can finish the text of the bill tonight, whether there shall be a final vote upon it or not. I had hoped that we might obtain a final vote on the bill today. As the Senator knows, the other bill to which I referred is before the Senate now, and a number of motions are in order upon it, which we would not have the time to dispose of tonight. I myself do not see why that need interfere with the Senate completing consideration of the pending bill with such amendments as may hereafter be offered.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BANKHEAD. I ask the majority leader if it is his intention, when the pending bill shall have been disposed of, to take up the bill extending the life of the Commodity Credit Corporation?

Mr. BARKLEY. Yes, Mr. President. That is the next important piece of legislation to be considered.

Mr. WHITE. Mr. President, the majority leader has indicated that there are several motions which it might be in order to be made. I wonder if the Senator is in position to indicate to us what motion he intends to make.

Mr. BARKLEY. I have not had an opportunity up to now to confer with other Members of the Senate on both sides of the Chamber with respect to that, and I am not now in position to say. As the Senator no doubt knows, there are four motions in order upon the other bill: One is to refer it to committee; another is to concur in the House amendments with amendments; the third is to concur; the fourth is to disagree and ask for a conference.

The order of precedence in voting upon those various motions is as I have indicated. The priority of precedence is first given to the motion to refer to committee. The second priority is to the motion to agree to the House amendments with amenments or with an amendment. The third is a motion to concur. The fourth is a motion to disagree and ask for a conference.

Which one of those motions will be made and which one will come first by way of being made, I do not know, but the order of precedence in voting upon them is as I have indicated.

Mr. WHITE. I think the Senator has correctly stated the parliamentary situation. In any event he has stated it as I thought it to be. But I thought it would be a great convenience to many Members if they knew precisely what was ahead. If the Senator from Kentucky is not in position——

Mr. BARKLEY. I can say to the Senator that even if a motion should be made to concur in the House amendments, it would be in order to concur with amendments, or an amendment, and that motion would be voted upon before a simple motion to concur.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Illinois.

Mr. LUCAS. A number of Senators are sincerely hoping we can conclude consideration of the bill tonight. In view of the fact that all amendments in controversy have been disposed of, it seems to me we should continue in session and vote on the bill today. Some Members of the Senate may intend to leave the city and be gone tomorrow; therefore I hope action may be taken on the bill tonight.

Mr. BARKLEY. Mr. President, I am as anxious as any Senator is that the bill be disposed of quickly, and in order to facilitate action I have said very little, as the Senator from Illinois knows and as all Senators know, although I have on several occasions felt the urge to participate in the debate.

I asked that the amendments to the other bill be printed so that Senators might see them, but inasmuch as they are now unavailable, and will not be available tonight, I should in frankness say to the Senate that we could not take up consideration of the other measure and dispose of it tonight. As I indicated a moment ago, however, that seems to be no reason why we should not remain in session and dispose of the bill which is now before the Senate.

Mr. OVERTON. Mr. President, on December 3 of last year the Senate passed Senate bill 1285, providing for soldier voting. It did so after considerable debate. There was not a Senator who did not thoroughly understand the bill reported by the Committee on Privileges and Elections. There was not a Senator who did not thoroughly understand the substitute bill proposed by the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Arkansas [Mr. MCCLELLAN]. After a prolonged controversy, after thorough discussion, the substitute amendment was adopted by the Senate, and S. 1285, as amended by the amendment in the nature of a substitute, was sent to the House. When it reached the House it was referred to the appropriate committee, and that committee in the House gave the bill thorough consideration and reported the bill with certain amendments. The bill came up for debate in the House and was exhaustively debated. It was considered and discussed for a period of, I think, 3 days. The House acted upon it, and has sent it over here, sent it back to the body of its origin in the customary and proper parliamentary procedure. There is a certain comity which should exist and does exist between the Senate and the House. When the Senate has acted upon a bill and has sent it to the House, and the House has acted upon it, has amended it, and has sent it back here, the appropriate action to be taken by the Senate, the proper courtesy to be shown to the House, is for the Senate to take cognizance of what the House did with respect to the Senate's own bill, and to act upon the House amendments.

Instead of that, Mr. President, we are now continuing a debate upon a brand-new bill which is before the Senate. That debate has lasted for a number of days. I do not know how much longer it will last. I do not know how many more amendments will be offered to it. On my desk are quite a number which are not yet disposed of. I think what we should do is take up Senate bill 1285, which we passed and sent to the House. I think we should take it up and have the amendments of the House laid before the Senate. If the Senate concurs in those amendments—and presently I shall make a motion that the Senate agree to the House amendments—that will end the long, tedious, bitter, and, I may add, distasteful controversy.

If, on the other hand, we vote to reject or to amend the House amendments, then the bill will be sent to conference between the two Houses.

But it seems to me that it is our manifest duty, our duty to our country, our obligation to the House, and our duty to our soldiers to take up the bill upon which we previously acted, and upon which the House has acted, and to dispose of it.

Throughout this debate there has gone forth the cry "We must act; we must act; we must act with expedition, or else delay will prevent our soldiers from voting." Mr. President, the way for the Senate to act with expedition is to take up the bill which it has passed, and which has been acted upon by the House, and let the bill proceed in orderly fashion to its parliamentary termination.

What would be the consequence, Mr. President, if the Senate were to pass another bill on the same subject matter? It would have to be sent to the House.

When it is sent to the House it would be referred to the proper committee, and would be considered there. The House committee might very well say, "We have gone into this question; we have taken up a bill which the Senate sent to the House, which the Senate had thoroughly discussed, analyzed, and amended, and we have acted upon it. We do not think that, as a committee, it is necessary for us to proceed any further."

Or, Mr. President, if the committee did consider the bill and did take action and did report the bill to the floor of the House, the House might very well take the position, "We have debated this legislation in all its aspects for 3 long days, and we gave our verdict as to what should be done under the Constitution of the United States and in the interest of our soldiers at home and on the battlefields abroad." If the House did not take that action, there then would be in the House another long and acrimonious debate, and perhaps again we should have the Commander in Chief of our Army and Navy sending to the Congress of the United States another message which would reflect upon this legislative assembly much more invidiously than did the message to which so much objection has been made—the message which was sent here the other day by President Roosevelt. Whether the President sent such a message or not, I am sure the people throughout the United States would say rather emphatically that the Congress of the United States should quit its dilly-dallying and promptly take action to afford in a constitutional way, and as rapidly as possible, an opportunity for our soldiers to vote.

Mr. President, are we going to play ring-around-a-rosy? Are we going to continue to duck and dodge and to be like unto dancing dervishes swinging here and swinging there? Or are we going to proceed along the orderly, acceptable and well-beaten paths of legislation?

Mr. President, in the public mind there can be only one answer. We should deal with our own bill which has been dealt with by the House. We should lay the amendments of the House before the Senate, and should act upon them. Common decency suggests no other course.

Mr. McKELLAR rose.

Mr. OVERTON. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, let me call the Senator's attention to the fact that the bill known as the Green-Lucas bill is in substance and effect precisely the same as the Worley bill which the House yesterday, by a yea-and-nay vote on a motion to recommit, voted down by a substantial majority. Should the Senate send the Green-Lucas bill to the House, what possible reason would the Senator have to expect that the House would change its yea-and-nay vote—not a teller vote, not a standing vote, but a yea-and-nay vote taken only last night?

Mr. OVERTON. Mr. President, the Senator is absolutely correct. In my humble judgment there is no chance or opportunity whatsoever, of having the House change its position in respect to this legislation. It would not be the House which would be criticized. It is the Senate which would be criticized, and justly criticized, because it would have failed in its duty, failed to act upon a bill which it had sent to the House, and which the House, with amendments, returned to the Senate.

So, Mr. President, I move that the amendments of the House to Senate bill 1285 be laid before the Senate.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. The Chair must rule that the motion is in order, according to section 7 of rule VII of the Senate Rules, and is not debatable.

The Chair will be glad to recognize the Senator for any general purpose which does not infringe upon the rule.

Mr. GEORGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GEORGE. If the House amendments are laid before the Senate and are taken up for consideration, for concurrence or for amendment, then all time limitations on debate will be removed; will they not?

The PRESIDING OFFICER. The present occupant of the Chair would rule that the agreement entered into applies only to the bill under consideration by the Senate at this time—namely, Senate bill 1612—and would not apply to the House amendments to the Senate bill.

Mr. GEORGE. Mr. President, I very humbly suggest that it would be a good idea to take a recess until Monday, because there is no chance on earth of disposing of the bill if it should be taken up.

Mr. BARKLEY. Mr. President, I do not care to infringe upon the rule making this motion nondebatable. I rise to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Senator will state it.

Mr. OVERTON. Mr. President, if the Senator will yield, I shall be glad to ask unanimous consent that the motion be adopted.

Mr. BARKLEY. I do not care to debate the motion. I wish to propound an inquiry to the Chair.

Mr. OVERTON. I can withhold the motion.

Mr. BARKLEY. The Senator need not do that. I can propound a parliamentary inquiry without infringing upon the rule. As I understand, the motion which the Senator from Louisiana has made is, in effect, a motion to concur in the House amendments.

The PRESIDING OFFICER. No. The motion of the Senator from Louisiana is to lay before the Senate a message from the House of Representatives. That is the understanding of the Chair.

Mr. OVERTON. That is correct. I shall undertake to follow that with another motion.

The PRESIDING OFFICER. That is all that is before the Senate.

Mr. OVERTON. As I understand, that is all I can presently do. I cannot couple the two motions together.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. In connection with the motion to lay the House amendments before the Senate, in the event those amendments are laid before the Senate, must further consideration of the pending bill be suspended until that motion, or any other motion relating to Senate bill 1285, is disposed of?

The PRESIDING OFFICER. If the motion of the Senator from Louisiana is agreed to, it will automatically suspend consideration of the unfinished business.

Mr. CLARK of Idaho. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Idaho. If the motion of the Senator from Louisiana should prevail, and the House amendments should be laid before the Senate, then would it be in order to move, as an amendment to any of the House amendments, Senate bill 1612, which is the Green-Lucas bill, and proceed to consider it as an amendment to a House amendment?

The PRESIDING OFFICER. It would be in order, as a parliamentary right, to make such a motion.

Mr. BARKLEY. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. If the motion of the Senator from Louisiana should be defeated, then the Senate would proceed to consider the pending legislation as if it had not been interrupted by the motion. Is that correct?

The PRESIDING OFFICER. If the motion of the Senator from Louisiana should not prevail, the business before the Senate would be Senate bill 1612.

Mr. BARKLEY. And even if his motion should not prevail, he would not be barred later, nor would any other Senator be barred later, from making any motion which is in order with respect to the House amendments to Senate bill 1285.

The PRESIDING OFFICER. That is the opinion of the present occupant of the chair.

Mr. BARKLEY. So if this motion should now be defeated, and we should take a recess until tomorrow, with the pending bill uncompleted, the motion would be in order tomorrow, and any parliamentary motion which is in order would likewise be in order tomorrow, regardless of the action of the Senate today on that motion.

The PRESIDING OFFICER. That is the opinion of the present occupant of the chair.

Mr. OVERTON, Mr. CLARK of Missouri, and Mr. LUCAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. OVERTON. Mr. President, I modify my motion by moving that the House amendments be laid before the Senate, and that the Senate concur in the same.

Mr. CLARK of Missouri. Mr. President, I make a point of order against that motion. It is not in order.

Mr. OVERTON. I inquire, Mr. President, whether such a motion is in order.

The PRESIDING OFFICER. In the opinion of the present occupant of the chair that motion is not in order.

Mr. OVERTON. After my motion is voted upon, I hope I can obtain recognition to move that the amendments of the House be concurred in.

The PRESIDING OFFICER. The unfinished business before the Senate at present is Senate bill 1612. The motion of the Senator from Louisiana is to lay before the Senate a message from the House of Representatives which would displace the unfinished business.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Is the motion debatable?

The PRESIDING OFFICER. The motion is not debatable.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay before the Senate the message of the House of Representatives with respect to Senate bill 1285.

Mr. WILLIS. Mr. President, for myself and my colleague from Indiana [Mr. JACKSON], I desire to offer an amendment.

The PRESIDING OFFICER. The amendment will be received and lie on the table.

The question is on agreeing to the motion of the Senator from Louisiana to lay before the Senate the message from the House of Representatives in connection with Senate bill 1285. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the junior Senator from Nevada [Mr. SCRUGHAM] and will vote. I vote "nay."

Mr. WAGNER (when his name was called.) I have a general pair with the junior Senator from Kansas [Mr. REED]. I transfer that pair to the senior Senator from Virginia [Mr. GLASS] and will vote. I vote "nay."

The roll call was concluded.

Mr. TAFT. The senior Senator from New Jersey [Mr. HAWKES] would vote "yea" if he were present. He is attending a meeting of the Governor and other officials of the State of New Jersey with respect to the passage of an absentee-voters' law in New Jersey.

Mr. McCARRAN. My colleague the junior Senator from Nevada [Mr. SCRUGHAM] is absent on official business. If he were present he would vote "nay."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Mississippi [Mr. BILBO] and the Senator from Oklahoma [Mr. THOMAS] are detained in Government departments on matters pertaining to their respective States.

The Senator from Mississippi [Mr. BILBO] is paired with the Senator from Idaho [Mr. THOMAS].

Mr. WHITE. The Senator from Oregon [Mr. McNARY] is absent because of illness.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from California [Mr. JOHNSON] are necessarily absent.

The Senator from Idaho [Mr. THOMAS] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Kansas [Mr. REED] is detained on departmental business.

The Senator from New Jersey [Mr. HAWKES] is unavoidably absent from the Senate due to an appointment with Gov. Walter E. Edge, of the State of New Jersey, for the purpose of discussing the soldiers' vote.

The yeas and nays resulted—yeas 42, nays 42, as follows:

YEAS—42

Bailey	Ellender	Overton
Ball	Ferguson	Revercomb
Bankhead	George	Reynolds
Brewster	Gerry	Robertson
Brooks	Gillette	Russell
Buck	Gurney	Shipstead
Bushfield	Hill	Smith
Butler	Holman	Taft
Byrd	McClellan	Tobey
Capper	McKellar	Wheeler
Caraway	Millikin	Wherry
Connally	Moore	White
Davis	Nye	Willis
Eastland	O'Daniel	Wilson

NAYS—42

Aiken	Hatch	Murray
Andrews	Hayden	O'Mahoney
Austin	Jackson	Pepper
Barkley	Johnson, Colo.	Radcliffe
Bone	Kilgore	Stewart
Burton	La Follette	Thomas, Utah
Chandler	Langer	Truman
Chavez	Lucas	Tunnell
Clark, Idaho	McCarran	Tydings
Clark, Mo.	McFarland	Vandenberg
Danaher	Maloney	Wagner
Downey	Maybank	Wallgren
Green	Mead	Walsh, Mass.
Guffey	Murdock	Walsh, N. J.

NOT VOTING—11

Bilbo	Johnson, Calif.	Thomas, Idaho
Bridges	McNary	Thomas, Okla.
Glass	Reed	Wiley
Hawkes	Scrugham	

The PRESIDING OFFICER. On this question the yeas are 42, and the nays are 42, and the motion of the Senator from Louisiana is rejected.

Mr. VANDENBERG. Mr. President, if I may have the attention of the Senator from Illinois [Mr. LUCAS] and the Senator from Rhode Island [Mr. GREEN], I wish to call their attention to one phrase on page 42, which, it seems to me, ought to be deleted from the bill.

I believe it is generally agreed that we are proceeding on the theory that the facilities for the distribution of the State ballots shall be just as complete as are practicable and possible.

I invite the attention of the Senator from Illinois and the Senator from Rhode Island to the language appearing on page 42 of the bill which describes the distribution of the post cards under title II in respect to the State ballots. This is the initiation of the process which produces a State ballot. Therefore it is the very key to the entire situation. I invite attention to the fact that the language to which I refer, beginning in line 3 on page 42, reads as follows:

> such post cards to be made available, at appropriate times, upon request, to members of the armed forces—

And so forth. They are only available upon request. They are not even available without request by members of the armed forces.

For whatever it may be worth, I invite the attention of Senators to the comparable language in the bill as passed by the House, because I think it deals with this particular subject more adequately. In the House text the language is as follows:

> The Secretary of War, and the Secretary of the Navy, and the Administrator of the War Shipping Administration are directed to cause such post-card applications to be distributed to persons to whom this act is applicable.

And so forth. Without asking that the bill be amended to that extent, I at least respectfully suggest to the able Senators that the words "upon request" should be deleted so that the language will then read:

> The Secretaries of War and Navy shall, wherever practicable and compatible with military operations, cause such post cards to be made available, at appropriate times, to members of the armed forces—

And so forth.

Mr. GREEN. Mr. President, I am glad to accept the suggested amendment of the Senator from Michigan to strike out the words "upon request."

Mr. VANDENBERG. Mr. President, I move that on page 42, in line 4, the words "upon request" be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. DANAHER. Mr. President, a while since, the Senator from Kentucky offered an amendment to section 14 on page 39 which cured in part the defect which became apparent a few days ago in our colloquy with reference to section 12 on page 38.

I have conferred with the Senator from Rhode Island, who is in charge of the bill, and with other Senators in connection with the language which should be in section 12, and I will state it, Mr. President, as it would appear consecutively if section 12 should be amended as I shall move to amend it. The language would then read:

> The Commission, upon receiving any ballot cast under this title, shall promptly transmit it to the secretary of state of the State of the voter's residence, who shall at a proper time transmit it to the appropriate election officials of the district, precinct, county, or other voting unit of the voter's residence. Such officials shall take oath that they will not disclose to anyone (unless required by law) how any absentee shall have voted. Such officials shall determine that

the oath required under sections 5 and 6 has been executed and that it is in order, pursuant to section 14, to open the official inner envelope; whereupon such officials shall compile a voting list of the names appearing on all such inner envelopes received from the secretary of state. No ballot provided under this title shall be voted in behalf of any absentee whose name does not appear on the voting list so established. No person other than such appropriate election officials shall open any official outer or inner envelope purporting to contain a ballot cast under this title.

Section 12, Mr. President, as thus amended, spelling out further, under the amendment of the Senator from Kentucky, a duty on the election officials, under section 14, would integrate a plan which would protect the vote.

Mr. President, I move to amend as I have indicated.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. DANAHER. I yield to the Senator from Vermont.

Mr. AUSTIN. Before the Senator from Connecticut sends forward his amendment, I submit for his consideration whether he should also move to strike out, in line 13, page 38, the word "cast."

Mr. DANAHER. The Senator from Vermont has raised a very interesting question of tautology. If the Senator will perceive, the words "ballots cast" appear throughout the bill. On line 2, page 38, for instance, the Senator will see the language, "Ballots cast outside the United States shall be transmitted," and so forth. I find the same language on page 39, line 8, and there are yet other places where it occurs.

I rather fancy that it was the idea of the drafters of the bill that when a soldier had marked up his ballot, and when in fact he had put it into the inner envelope, and had taken the oath, so far as he was concerned he was deemed to have cast a ballot wherever he was, and wherever he executed those acts. I assume the Senator from Rhode Island might be able to throw light on that point, and if that is not what the Senator from Rhode Island and the other authors of the bill had in mind, then the word "cast" should be stricken. If, on the other hand, I correctly interpret what the Senator from Rhode Island and others intended, then the words should be retained. I submit that answer to the Senator from Vermont.

Mr. GREEN. Mr. President, I quite agree.

Mr. LUCAS. Mr. President, I make the point of order that the Senate is not in order.

The ACTING PRESIDENT pro tempore. The point of order is well taken. The Senate will be in order.

Mr. GREEN. I think the Senator from Connecticut has stated the situation correctly. So far as the soldier voter is concerned, the ballot is cast, but the process is not completed until the official actually puts it in the ballot box or registers it on the voting machine.

Mr. AUSTIN. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I am glad to yield.

Mr. AUSTIN. This suggestion would not have come from me had we not, since considering the bill, and very recently, adopted an amendment to section 14 (a)—I believe it was the amendment of the Senate from Kentucky——

Mr. LUCAS. I make the point of order that the Senate is not in order. I should like to hear what is being said.

The ACTING PRESIDENT pro tempore. The point of order is again well taken, and the Senate will please be in order.

Mr. AUSTIN. Mr. President, I was undertaking to keep the record straight as to the reason why I raised the point, namely, that it seems to me that we now have two uses of the word "cast" in which it has different meanings. By virtue of the amendment of the Senator from Kentucky to section 14 (a), if that is the place where the amendment was offered——

Mr. DANAHER. That is correct.

Mr. AUSTIN. We have the use of "cast" as describing the act of the ballot clerk on whom is imposed the duty by the proposed law of depositing the ballot, after it has been removed from the inner envelope, or to do the necessary act of casting the ballot according to the law of the State where the vote is to be counted. We have the other meaning of the word "cast," which relates solely to the location where the soldier is. Now, with the explanation which has been made, I am satisfied to leave the text of the bill as it is, meaning that it is a ballot in the condition in which the soldier seals the outer envelope.

Mr. DANAHER. I thank the Senator from Vermont for his question on this point, and I think he is justified, further, in coming to his conclusion, in giving the words "ballot cast" a meaning equal to "ballot prepared to be cast." If he will look at line 11, page 39, he will see that after the ballot cast has undergone a determination as to validity, it becomes a vote cast; and it is so described. I think consideration of those provisions will make the matter sufficiently clear.

Mr. GREEN. Will the Senator yield?

Mr. DANAHER. I yield.

Mr. GREEN. If the Senator from Vermont will recall, I raised that very point at the time the Senator from Kentucky offered his amendment. I said that the word "cast" as first used was a general term, and in the second place it was used it was a specific term. It has two meanings, but the context determines the meaning. I think that is clear.

Mr. DANAHER. I thank the Senator from Rhode Island. I am entirely satisfied.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. DANAHER. The Senator from Rhode Island has indicated that he wished further, and in person, to examine the language, although he had previously gone over it. I withhold request that it be stated from the desk until he has opportunity to look at the amendment. I think he will find there is no question about it, however.

Mr. GREEN. For the sake of the RECORD, I should like to have the Senator from Connecticut state that he understands, as I do, that where it says "in the voting list so established" it means after the comparison, and not before.

Mr. DANAHER. That is correct. The voting list will be compiled from the list of inner envelopes on the outside of which appear the names of the absentees.

Mr. GREEN. And it does not refer to a voting list that was established before those came in.

Mr. DANAHER. The Senator is correct.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DANAHER].

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. DANAHER. Mr. President, on page 29, we find, commencing after line 8, the form of an official war ballot. We will instruct our absentee "To vote, write in the name of the candidate" or "write in the name of his political party." Then following the names are three political parties designated, "Democratic, Republican, Progressive, or others."

Reference to the Congressional Directory will disclose that in the House of Representatives at this time two additional parties are represented, the Farmer-Labor and the American-Labor, and clearly the representatives of those parties will be up for election in November 1944.

In addition, the Socialist Party has commonly nominated a candidate for President in election years. There has been a candidate, at least within my memory, each quadrennium. Under the circumstances, I think that the rights of the minority parties should be protected, insofar as properly we may do so, by inserting after the words "Democratic, Republican, Progressive," the words "Farmer-Labor, American Labor," those parties being represented at present in the House of Representatives, and "Socialist."

The ACTING PRESIDENT pro tempore. Does the Senator propose that as an amendment?

Mr. DANAHER. I propose that as an amendment.

Mr. GREEN. Mr. President, I wish I could accept the amendment offered by the Senator from Connecticut, for whom I have great regard. This matter was discussed at length in the committee, and it was decided that it was inadvisable to include such a list, and I cannot accept the amendment.

The list proposed by the Senator from Connecticut is not inclusive. There are other parties which make nominations, or may make nominations. It was thought best at first to confine the list, as is usually done in acts of Congress and at party conventions, to those parties which cast at least 10 percent of the votes

in the last election. That was the determining factor in deciding what parties should be represented by their chairmen in submitting lists of names for the War Ballot Commission. It seems to me we should be consistent and limit the list to the same parties. I believe the Republican and the Democratic Parties are the only parties who fulfilled that condition. I must say that I think perhaps illogically we added the name "Progressive," influenced by the fact that we have such a distinguished representative of that party a Member of the Senate itself, but it would not justify the inclusion of other party names. The Progressive Party name should be excluded rather than to add others.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. I should like to have the attention of the Senator from Rhode Island and also the Senator from Illinois. Why is it necessary to name any party in this particular part of the bill? Why call attention to any political party? It seems to me the voter should write in the name of his political party. It is not necessary to call attention to any particular party in order that he can do that. If any party is to be named, I think there is considerable logic in the position of the Senator from Connecticut. I myself see no need for having any of the party names printed.

Mr. DANAHER. Mr. President, the Senator from Kentucky is correct. Either the parties represented in Congress at the very least should be included, or there should not be any included.

Mr. President, the Senator from Kentucky not only is correct, but in the explanations which go to the men in the field, in the literature which may be sent to them, all these party candidates will be listed by party, and consequently they will be apprised of what the parties are and who the candidates are.

Mr. BARKLEY. Mr. President, if it is logical to put any of them in, it is logical to put all of them in, certainly with respect to candidates for President. While it is true that there is no Senator who is a member of the Socialist Party, there have been Members of the House of Representatives who were elected as members of the Socialist Party, and we know that that party does have a candidate for President in practically every election. My own preference would be to strike out all the names of parties.

Mr. GREEN. I may say to the Senator from Connecticut that I am willing to accept an amendment to strike them all out.

Mr. DANAHER. Mr. President, I am perfectly willing that no party name be indicated on the official Federal war ballot. Accordingly, I withdraw my previous amendment, and offer the amendment to strike out all party names from the official Federal war ballot; that is, to strike out the words "Democratic, Republican, Progressive, or other."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. ROBERTSON. Mr. President, I should like to ask the Senator from Connecticut a question. In the event a soldier should write in on his ballot "New Deal Party," how would that ballot be counted?

Mr. LUCAS. I can say, Mr. President, that it would not be counted for the party of the Senator from Wyoming.

Mr. DANAHER. Mr. President, I ask for a vote on my amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. DANAHER. Mr. President, I have only one other amendment. On page 39, commencing in line 16, we find the following:

No official Federal war ballot shall be valid if—

Now proceeding to line 22:

Such ballot is received by the appropriate election official of the district, precinct, county, or other voting unit of the State of the voter's residence later than—

At that point we turn to the top of page 40, and I move that there be inserted the words—

Twelve o'clock meridian on—

Then follows the language at the top of page 40—

the date of the holding of the election.

And that the remainder of subsection (b) be stricken out.

Mr. LUCAS. Mr. President, that is an amendment to which we cannot agree. The subsection involved is important. I do not know whether the Senator from Connecticut has thought this matter out; but there are any number of States which have different dates upon which they receive ballots. There are some States, as I understand, which count the absentee ballots which are received from 4 or 5 or 6 days after other States which compel the ballot to be in 24 hours before the election. Other States compel the ballots to be there not later than election day.

The sole point in this part of the committee amendment was once again to carry on the traditional comity between the Federal Government and the State Governments. So here we recognize the law of every State in the Union insofar as the receipt of the ballot is concerned. It was one provision which was carefully gone into, and I hope the Senator from Connecticut will not press his amendment, because if we strike out lines 1, 2, 3, and 4 on page 40, then we will be right back where we were in the beginning when we had this part of the bill written somewhat in line with what the Senator has now suggested.

Mr. DANAHER. Mr. President, I will state briefly my rejoinder to the points made by the Senator from Illinois. We can easily recall the situation in 1916, when the two principal Presidential candidates went to bed each believing that the other had proved successful. If, under this extraneous development of the Federal war ballot, millions of ballots are to be cast, and counted at a time after preliminary determination of the apparent result has been made, it stands to reason that we will have excited a possible cause for misuse and abuse of the extended privilege.

Mr. President, if we have any right whatever to act with reference to Members of Congress under article I, section 4, if we have any right to provide a manner of voting for Presidential electors under war powers or under constitutional grants of power, at the very least we ought to provide a uniform manner of voting.

I respectfully state that these absentee Federal war ballots should be counted in the election precinct on election day and not afterward. If a State for its part thinks it an advantage, for whatever reason, to permit absentee ballots to be cast and counted 3 or 4 or 5 or 6 weeks after election day, then that is all the more reason why they should accept our invitation to comply with our law and expedite in every way possible the use of the State ballot. They may do that. That is their privilege. They equally obtain votes for all the State officers at the same time as part of the process.

Mr. President, we will be inviting fraud if as of the noonday hour of election day it will have developed that only one-tenth, maybe one-fifth of the absentee voters of a given community have balloted as of that time. We will thereafter know that it is possible that votes may be "developed"—let me use that word, and I put quotes around it—between noontime and the hour of closing the polls. That is bad enough. But if the election results in fact shall be announced and yet ballots may continue to come in for weeks, I respectfully submit that we are opening the door wide.

Under those circumstances I felt that we would appropriately do a just and wise thing if we required that all absentee ballots be on hand by 12 o'clock noon on election day.

I do not wish to withdraw the amendment, I will say to the Senator from Illinois. I should like a vote on it.

Mr. GREEN. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. GREEN. Mr. President, supplementing what my colleague, the Senator from Illinois has said, in which I heartily agree, I should like to know if I may ask the Senator from Connecticut the question, why he connects 12 o'clock meridian with the time on election day? Why did he make that distinction between those who vote by absentee ballot and those who vote in person? The ballot is cast in the same manner. It is counted in the same manner. Why should the time not be the same time as when the polls are closed, 4 or 5 or 6 or 7 or 8 or 9 or 10 o'clock at night? I see no reason for cutting short the time of the soldier's vote in comparison with that of all others.

Mr. DANAHER. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Connecticut?

Mr. GREEN. I yield.

Mr. DANAHER. Let me say that the question is a fair one. The fact remains that in section 12 it is expressly provided that the Commission shall promptly transmit all the war ballots it collects to the secretary of state of the State of the voter's residence; and in line 9 it is said "at an appropriate time transmit it to the appropriate election officials" of the absentee voter.

The absentee ballot which the absentee of whatever covered class has entrusted to the Commission is solely in the hands of the Commission in advance of the election. The Commission, it is specified, shall promptly transmit it to the secretary of state. That provision is found on page 38 in line 7. Consequently, the ballots, all sealed, will be in the hands of the secretary of state, whether it be the secretary of state of Connecticut, the secretary of state of Illinois, or the secretary of state of any other State. It will be up to the secretary of state, under the duty the Senator would impose upon him under section 12, as an appropriate time to transmit the ballots to the appropriate election officials.

Mr. President, there is no reason why the word "appropriate," just as the Senator uses it, should not be construed as meaning 24 hours, 36 hours, or 72 hours, for instance, in advance of election day, to the end that the appropriate election officials in a large city such as Chicago, or New York, for example, may prepare their lists and do everything else they possibly can do in order to facilitate a prompt and expeditious vote on election day.

Then, Mr. President, the ballots will be on hand in the election precincts. It is not merely a question of the elections in the large centers, such as Chicago and New York, important though they may be, but of the tens of thousands of polling places throughout the United States. All those factors should be regarded. The secretary of state can make certain that the ballots are on hand on the morning of election day. That is when they should be on hand.

Therefore, if we take some cut-off date, and some cut-off time on that date, and give the ballots validity if voted at that time—that is the only way it should be, Mr. President—we can insist on the adequate performance which the act itself will impose upon them.

Mr. LUCAS. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Illinois?

Mr. GREEN. I shall yield to the Senator from Illinois in a moment.

Mr. President, I simply wish to state that, if I am not mistaken, this provision was recommended by Mr. Cook, who is not only the Republican secretary of state of the State of Massachusetts but, what is even more important, is the president of the Association of Secretaries of State of the United States. The Senator from Illinois has already alluded to the important meeting that association held at St. Louis, at which they discussed at length the then draft of the bill and made a series of recommendations. We sought so far as possible to adopt those recommendations, and I think we did adopt most of them; and I think the changes made were finally assented to by Mr. Cook, as president of the association.

I should like to impress upon all Senators the fact that the greatest pains were taken to meet the suggestions made by the secretaries of state. One of the points was that we could not fix a definite time; that inasmuch as the polling hours are different in various States, therefore determination of the appropriate time should be left to the respective secretaries of state to determine. It might be one time in one State and another time in another State. That is why we do not have in the bill a provision for a fixed time.

The same situation applies with respect to the casting of the ballots; at least, that is my opinion. I think it would be a great mistake to change this provision of the bill.

Mr. TAFT obtained the floor.

Mr. BARKLEY. Mr. President, if the Senator will permit an interruption, I should like to suggest to Senators that if the amendment is to involve very much debate, perhaps it would be better that it go over until tomorrow.

Mr. TAFT. Mr. President, I wanted to ask the majority leader whether it would not be feasible to postpone the final passage of the bill until tomorrow?

Mr. McKELLAR. Mr. President, that is what the Senator from Kentucky proposes to do.

Mr. BARKLEY. I will say to the Senator that I had expressed the hope that the Senate would take a recess until tomorrow as soon as the pending amendment was disposed of. If consideration of the pending amendment is to involve much debate before it is disposed of, I hope that at this time the Senate will take a recess until tomorrow.

Mr. McKELLAR. Let us let the amendment go over until tomorrow.

Mr. GREEN. Can we not finish consideration of the amendment today?

Mr. DANAHER. Mr. President, I think the amendment is an important one. I should very much like to have a yea-and-nay vote on it. I know that a yea-and-nay vote will take a certain amount of time.

Mr. BARKLEY. If the yeas and nays are to be asked for at this hour, I should much prefer to have the Senate take a recess now.

Mr. DANAHER. I should like to have the amendment be the pending question when the Senate meets tomorrow, and have the amendment taken up the first thing tomorrow.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States nominating Herbert Wechsler, of New York, to be Assistant Attorney General, vice Hugh B. Cox, which was referred to the Committee on the Judiciary.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate took a recess until tomorrow, Saturday, February 5, 1944, at 11 o'clock a. m.

NOMINATION

Executive nomination received by the Senate February 4 (legislative day of January 24), 1944.

DEPARTMENT OF JUSTICE

Herbert Wechsler, of New York, to be Assistant Attorney General, vice Hugh B. Cox.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 4, 1944

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, Thou who hast an eye to see, an ear to hear, and a heart that sympathizes with all humanity, grant us the things that are good with the power of realizing more of that rest which belongs to our spiritual natures. Always may conscience and character have their ways in molding the laws of our Republic.

Blessed Lord, do Thou hear our prayer, for we are united in common infirmity, with common sinfulness, with a common need of forgiveness and of that love which must forever flow from the infinite soul of an infinite God. Cleanse every truth that enters our minds and every deed that is executed by our wills. May our service be patriotic and positive with courage whose anchor neither breaks nor drags. More and more may we be inspired by the love of justice with a passion for righteousness, with the old-time sympathy for the oppressed and with the old-time American ideals for a better country and a better world. Bring us into a unity of soul with allegiance to one Lord and one law until a blessed peace lies like a shaft of heavenly light across the face of this drooping world. In our Saviour's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL—1945

Mr. LUDLOW, from the Committee on Appropriations, reported the bill (H. R. 4133) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1945, and for other purposes (Rept. No. 1076), which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TABER reserved all points of order.

CONFERENCE REPORT ON TAX BILL

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that I may have until midnight tonight to file a conference report and statement on the tax bill.